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MEETING
STATE OF CALIFORNIA
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WORKSHOP
STRATEGIES TO ACHIEVE 50 PERCENT DIVERSION

Board Room
8800 Cal Center Drive
Sacramento, California

Thursday, October 19, 1995
9:00 a.m.

Janet H. Nicol
Certified Shorthand Reporter
License Number 9764

APPEARANCESBOARD MEMBERS PRESENT:

Daniel G. Pennington, Chairman
Wesley Chesbro
Sam Egigian
Janet Gotch
Paul Relis

STAFF PRESENT:

Marlene Kelly, Committee Secretary
Maureen Carr Morrison
Dorothy Rice, Chief Deputy Director

PUBLIC SPEAKERS:

Rick Best, CAW
Peter Blake, Helabilt Environmental
Arthur Boone, Total Recycling Association
Matt Cotton, CORC
Tara Gauthier, Trinity County
Judy Lieberman, San Leandro
Gary Liss, CRRA
Jon Morgan, Mono County
Lowell Patton, Winters
Norm Ploss, Fremont
Bill Reid, Mono County
Michael Rock, Yolo County
Melanie Stangl, Oakland
Larry Sweetser, Norcal
Charles White, WMX

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P R O C E E D I N G S

BOARD CHAIRMAN PENNINGTON: Shall we get started here? Okay. Good morning and thank you for being here today.

You'll forgive me if I'm a little hoarse. I think I'm working on trying to get a cold, so I have plenty of Hall's Mentholyptus up here and coffee and water. So we're reporting on my health today.

The workshop, this workshop is the first in a series of workshops the Board is holding around the state to solicit your ideas on strategies for meeting the 50 percent diversion mandate.

Today's workshop is divided into two sessions. This morning's session will focus on how the Board can help you, the cities and counties, develop strategies to meeting the 50 percent diversion mandate of the Integrated Waste Management Act.

The afternoon session will look at ways the regulatory process can be streamlined, simplified or regulations eliminated to relieve those in the regulated community of overburden or outdated requirements and still achieve the objectives of providing public health and the environment.

I first would like to thank Wesley Chesbro, as chairman, and Janet Gotch and Bob Frazee, as members of the

1 Local Assistance and Planning Committee, for developing the
2 concept for a Board workshop on diversion goals to assist
3 local government.

4 I'd like to comment on the progress the State as a
5 whole has made to date. It is clear that we've made great
6 strides in achieving these provisions of AB 939 in
7 conserving our resources, in collecting materials that can
8 be used as a resource for reuse and recycling and in
9 developing markets for those materials. Since 1989 we've
10 come a long ways.

11 With the passage of AB 939 in 1989 cities and
12 counties have been given increased responsibilities to plan
13 for and to accomplish high levels of diversion of resources
14 from landfill disposal.

15 To meet these challenges of the acts, mandates
16 consistent with the hierarchy of source reduction, recycling
17 and composting, jurisdictions have been organizing staff,
18 coordinating with the public and private sector, as well as
19 the Board developing plans and aggressively implementing
20 programs.

21 A critical factor to these efforts is the alliance
22 that were formed with the Board, local government and
23 private industry and the involved public.

24 It has been this partnership that has led to the
25 dramatic increase in diversion programs in the state and to

1 the statewide projection that shows the 25 diversion goal
2 will be achieved.

3 According to a report submitted by the Board to
4 the Legislature, 25 by '95, meeting solid waste diversion
5 mandates from data submitted by 72.5 percent of California's
6 jurisdictions the Board was able to get a 1994 snapshot in
7 time of progress jurisdictions have made towards these 1995
8 goals.

9 From this data the number of diversion programs
10 implemented since the act became effective increased 155
11 percent and roughly 18,500,000 tons of material were
12 diverted from landfills.

13 That represents an enormous effort by local
14 government, business, and the public in making sensible
15 solid waste practices a way of life.

16 Significant programs have been developed and
17 implemented in both urban and rural areas of California,
18 particularly in composting, residential curbside collection,
19 commercial recycling and market development.

20 With this success and the momentum of our
21 collective efforts, our next challenge is 50 percent
22 diversion by year 2000.

23 There are critics who believe that 50 percent is
24 unattainable. However, we remain committed to this mandate
25 and are prepared to meet the challenges it presents.

1 In our discussions this morning we plan to explore
2 all possible way to achieve this.

3 The Board realizes that, like our first milestone
4 for 1995, our achievements can only be realized through the
5 full cooperation of local government, business and the
6 public.

7 We have heard from local governments that while
8 the 1995 goal is reachable, the 2000 goal will take much
9 more effort on everyone's part to achieve it. It will
10 require greater resourcefulness and creativity by local
11 government and more assistance from the Board, the private
12 sector and the people of California.

13 With communications and collaboration among us, we
14 believe the challenge can be met.

15 Our approach to reaching this goal will include
16 greater emphasis on cost effectiveness, through better
17 assistance to local government on collection and processing
18 systems, continuing to help businesses save money as they
19 reduce the waste, expand public education initiatives, and
20 further augment our market development efforts.

21 To date the Board has developed a wide variety of
22 tools to assist in the AB 939 effort.

23 In addition, the goal of the Board has heard from
24 many of you on what the Board can do to help further this
25 effort. Today we have provided you with a list of these

1 tools and solicit your input on them and others you feel are
2 needed to make this a successful endeavor.

3 Given this progress made thus far and the
4 partnership formed with the Board, local government,
5 industry and the public, I am confident that we can reach
6 our goals and enjoy a healthy environment and economy in
7 California.

8 With that I'd like to propose that we begin the
9 workshops.

10 If any of the Board members have an opening
11 statement, I'd be happy to have that and when they're
12 through I would like to point out the workshop guidelines
13 and some housekeeping and we'll get started.

14 BOARD MEMBER CHESBRO: Thank you, Mr. Chairman.

15 The success of recycling and waste prevention in
16 California is due to local governments with partnership and
17 support of the private sector stepping forward and
18 aggressively pursuing waste reduction and diversion
19 programs.

20 I think it's important to point out that many of
21 these diversion programs predated AB 939. There were many
22 jurisdictions in the state that recognized this problem long
23 before the Legislature woke up to it and got to work on it.
24 There were many private companies that recognized that.

25 The reality is that in 1995, as our Chairman has

1 said, we are going to achieve the goal of diverting 25
2 percent. And we are halfway to our goal. In fact, I would
3 be surprised if it wasn't closer to 30 percent when all the
4 measurements come in at the end of the year, and well on our
5 way to achieving the 50 percent in the year 2000.

6 As has been pointed out, the Board has been
7 crystal clear. I think every Board member has made the
8 statement that they individually and we collectively are
9 committed to achieving the 50 percent.

10 Our goal here today is to seek participation and
11 input on how to do that.

12 We are into -- as we get closer to 50 percent the
13 increments are gonna get more difficult and we're gonna need
14 an even greater level of partnership than we've had in the
15 past.

16 The public sector, many cities and counties have
17 made tough decisions to spend money and to start programs
18 and support the principles of AB 939. That's been very very
19 difficult, but they're now in the process and I think
20 expecting us to follow through on our commitment.

21 Many private business and individuals have made
22 major financial commitments on the assumption that the State
23 is committed to following through on achieving 50 percent
24 and they're expecting us to follow through.

25 The California Integrated Waste Management Board

1 is working with all of those partners and we need to
2 redouble or triple many times over that effort now that
3 we've gotten through the initial planning process of talking
4 about how we're gonna do it in terms of getting
5 documentation done and jumping through those hoops. I think
6 it's time to get down to the reality of program
7 implementation.

8 In addition to meeting the 25 percent there's good
9 news on a number of other fronts that I think illustrates
10 the goodwill on the part of the vast majority of local
11 jurisdictions. Local plans are being submitted to the Board
12 and they're good plans which the Board has approved almost
13 completely. There's only been very very few, very very
14 small number of documents that have been rejected.

15 437 source reduction recycling elements have been
16 submitted to the State. That's 81 percent of all the
17 jurisdictions. 328 of those have been approved and only 17
18 have been disapproved. We're above the 95 percent approval
19 rate. The reason those numbers don't match is because there
20 are some that are in the process.

21 369 nondisposal facility elements have been
22 submitted. That's 67 percent of all the jurisdictions. And
23 every one that has come before the Board to date has been
24 approved. 323 household hazardous waste elements, which is
25 75 percent of the jurisdictions have come forward, and every

1 one that's been considered by the committee and the Board
2 have been approved.

3 These are real programs. They're not just empty
4 documents.

5 The number of recovery programs implemented in
6 California, I think, demonstrates that.

7 The number of programs implemented or planned by
8 local jurisdictions has increased by 155 percent since the
9 beginning of the law in January of '91. Excuse me, of
10 January of '90.

11 Types of programs that have been implemented have
12 included residential curbside programs, 275; commercial
13 programs, 240; drop-off centers, 200 programs; buy-back
14 centers, 175; wood waste programs, 160; construction
15 demolition debris recovery programs, 150 programs; and
16 nearly 18 million Californians are now served by 496
17 curbside programs.

18 Those are phenomenal achievements and we at the
19 State level are only involved as partners. That's an
20 achievement of local governments and private industry and I
21 think it's something that all Californians can be proud of.

22 Now, the Board has understood that AB 939 puts a
23 major burden on local governments at a time when local
24 governments are striving to deal with a variety of problems,
25 primarily financial. And this understanding has been

1 demonstrated by our approach to working with local
2 governments to make this work.

3 I think we've moved from a strictly regulatory
4 approach to an increasing partnership approach and that has
5 included moving to disposal-based accounting when virtually
6 everyone realized that trying to count every can and every
7 piece of paper that was recycled was gonna be
8 bureaucratically very difficult.

9 We established an enforcement policy based on good
10 faith effort which gives local governments a great deal of
11 flexibility in terms of when the time comes to look at
12 compliance.

13 We've also spent considerable amounts of tipping
14 fee funds on the educational partnership that's being
15 carried out with the private sector, with the League of
16 California Cities and with the County Supervisors
17 Association.

18 Getting to 50 percent is what today's all about
19 and the question that I asked and that the Local Assistance
20 and Planning Committee asked is what can the Board do to
21 assist the cities and counties in meeting the 50 percent
22 waste reduction goals.

23 At the Board's August meeting there was agreement
24 to work on a plan to increase the amount and kind of
25 assistance to be provided to local governments to achieve

1 the AB 939 requirements.

2 As the chairman of the Local Assistance and
3 Planning Committee I found that it was time to reexamine the
4 Board's programs and figure out what the next step is in
5 terms of moving further into the partnership mode with local
6 governments.

7 The Local Assistance and Planning Committee and
8 then the full Board agreed that we would begin a process,
9 and this workshop is the first real public step in that
10 process of trying to identify what the priorities should be
11 for increasing the partnership and increasing the Board's
12 support for local programs.

13 It has been broadened somewhat. I think it's been
14 recognized that local governments aren't the only ones we're
15 in partnership with. That was the focus of my committee's
16 discussion, but clearly there's a need for partnerships and
17 assistance at all levels.

18 The two areas the committee focused on were first
19 of all establishing priorities for Board assistance and,
20 secondly, developing a tool or model which local governments
21 can use to compare the costs and benefits of local waste
22 diversion program alternatives, because major investments
23 remain to be made, choices between different types of
24 programs or mixes of programs and some way to use local or
25 regional data to assist the local jurisdictions is the idea

1 that we had. And I'm of course very open to feedback about
2 whether that was what the jurisdictions need.

3 As the Chairman mentioned, the Board has prepared
4 a summary of all the existing assistance programs as well as
5 some that are still in the development stages.

6 We have done cost models already for facilities,
7 comparison of the cost of different types of diversion in
8 disposal facilities, and also for collection programs.

9 And the idea for a program cost model would be to
10 round out those models as tools for local governments and
11 make sure that a complete set of tools is in the tool chest.

12 Our workshop today is designed to gather comments,
13 suggestions and recommendations to make the Board's programs
14 more responsive to local needs.

15 I am forever an optimist. I wouldn't have been in
16 recycling for 25 years if I wasn't.

17 But I think that time and behavior and history has
18 proved out that that optimism was well placed and I believe
19 we're going to achieve 50 percent.

20 I think today's meeting is the beginning of a very
21 important dialogue with this Board and the public and the
22 regulated community and the partners that we need to work
23 with to achieve that goal.

24 Thank you, Mr. Chairman.

25 BOARD CHAIRMAN PENNINGTON: Ms. Gotch.

1 BOARD MEMBER GOTCH: My comments will be very
2 brief.

3 Today we're here to listen to you. I'm convinced
4 we can reach 50 percent, but we all need to get involved and
5 I'm eager to hear from you how we can assist you with that.

6 So here's to listening.

7 BOARD CHAIRMAN PENNINGTON: Thank you.

8 Mr. Egigian, you have any comment?

9 BOARD MEMBER EGIGIAN: Mr. Chairman, I've been one
10 of those that said that we cannot only reach 50 percent, but
11 we can go beyond that if we have the tools to work with.

12 I know from talking to the waste industry that
13 they're strongly in favor of at least not cutting back from
14 the 50 percent, so I'm sure we'll be successful if we work
15 hard.

16 Thank you.

17 BOARD CHAIRMAN PENNINGTON: Thank you.

18 Mr. Relis.

19 BOARD MEMBER RELIS: Just to say I'm heartened by
20 the turnout. This looks like an impressive range of people
21 here today. I'm looking forward to see what you have to say
22 and how it can be of at least direct help in the area of
23 emphasis in market development, which I'm looking forward to
24 suggestions.

25 Thank you.

1 BOARD CHAIRMAN PENNINGTON: Thank you.

2 You will notice in the monitors there's some
3 guidelines or ground rules for this workshop. I don't think
4 we're going to start out timing anybody, but if we find we
5 have an awful lot of people that want to talk and we're
6 going to be short of time, maybe we can keep that in mind
7 and may have to go to that.

8 There's speaker slips on the table in the back,
9 back there.

10 Both Mr. Chesbro and I spoke about the tools. I
11 think they're back there too that you can get a copy of.

12 And how we want to do this, I'm going to call two
13 of you up at a time, because there are two microphones and
14 maybe we can move you along quicker that way.

15 Let's get started. Gary Liss and Arthur Boone.

16 MR. LISS: Good morning, Chairman Pennington and
17 the members of the Board. Appreciate the opportunity of
18 being here today.

19 My name is Gary Liss, executive director of the
20 California Resource Recovery Association.

21 I'd like to commend, first of all, the Board for
22 having this series of workshops. It's that type of
23 participatory democracy which the best ideas will come
24 forward and we really appreciate the opportunity to
25 participate.

1 We did just receive the materials that were
2 prepared for this workshop this morning at the end of the
3 room, so we will like to go back and review those materials
4 and comment more specifically on the questions that you
5 raise and the existing programs that you have in place that
6 you're asking comments on. And we'll try to provide written
7 testimony hereafter.

8 I'd like to also commend the Chair and the Board
9 members who have spoken about their opening statements.

10 Clearly, the continued support for the 50 percent
11 goal is something that our organization feels strongly about
12 and are pleased to find unanimous support on the Board for
13 that.

14 Also, Mr. Pennington, your comments on the
15 partnerships I really believe is a key ingredient of the
16 success of 939. With the State and local partnerships,
17 public and private partnerships, and partnerships with the
18 public, both residential and commercial generators.

19 And I think that's important to recognize that
20 that's why we have succeeded so far, and I'm glad to see the
21 Chair understands that important nature of this legislation
22 and program.

23 Also, your points on cost effectiveness, CRRRA for
24 a long time has supported getting out more information on
25 cost effectiveness. We do series of workshops throughout

1 the state. Our annual conference always tries to get out
2 cost information.

3 Our members are hungry for comparative data about
4 what is going on around the state.

5 In fact, most of the national trade journals are
6 not sufficiently covering what is happening in California,
7 so it's very difficult to know in detail the latest
8 information on exact activities, the cost of programs.

9 One of few databases we have in the state that has
10 strong comparative analysis, for example, is the DOC
11 curbside recycling database where they require data to come
12 into them as part of their whole 2020 system.

13 Their report that was published in April of '94,
14 released a year later, this spring, is probably one of the
15 best examples of the comparative analysis and detailed
16 economic information that we need to see what are the range
17 of options and what has been implemented here in California
18 under the circumstances that confront our local governments,
19 residents, and businesses.

20 CRRA concurs that 50 percent is attainable and
21 certainly it's too soon to consider any changes in the
22 timing or the percentage of diversion.

23 In fact, we're seeing in the private sector strong
24 successes, many businesses achieving diversion rates in the
25 excess of 60 to 80 percent of their waste stream through

1 aggressive waste prevention, recycling, composting programs
2 when they actively pursue those programs for their
3 businesses.

4 Some of the keys on focusing on how to achieve the
5 50 percent goal, then, are looking at information, success
6 stories for local governments, businesses, looking at the
7 economics, providing technical assistance to translate that
8 information into reality.

9 Your Local Assistance Branch, for example, is
10 working to develop a library of contracts and RFPs. We have
11 a contracts network that has been trying to develop that
12 same type of approach where we have exactly the type of
13 information that a local government coordinator is needing
14 to get out a new program on the street. Rather than
15 reinventing the wheel, giving everyone that's doing it
16 simultaneously, let's pool our information, let's have the
17 Waste Board be a place where there's a common reference
18 point for all that detailed information that everyone at the
19 local level is struggling with.

20 And publications that provide analysis of that,
21 case studies, fact sheets, brief information for public
22 policy makers so they can quickly and easily get information
23 about the successes of different programs and detailed
24 reports for program implementers and managers to understand
25 how the successful programs became successful.

1 The first phase of 939 focused on residential
2 programs in large part. Many of the successes, the 25, 30
3 percent diversion rates have come around the state through
4 very aggressive and very successful residential diversion
5 programs.

6 The City of San Jose, for example, has achieved 47
7 percent diversion of their waste stream through their very
8 aggressive recycling plus residential recycling system.

9 We're seeing now very much more of a focus and a
10 need to focus in on the next 50 percent on the commercial
11 sector and particularly business generators.

12 We need to have a very different approach in many
13 respects, particularly in light of the Carbone and Rancho
14 Mirage decisions where local governments need to be
15 enablers, not necessarily providers of all the services.

16 And that is one of the key issues that the Waste
17 Board could help develop the systems, the services, the
18 information that local governments could use to get that out
19 to the public and implement programs.

20 Also, we'll need to focus for the next 50 percent
21 on those areas that haven't been covered in depth, which are
22 waste prevention, reuse and repair and composting.

23 The Board's composting agricultural demonstration
24 projects are a prime example of the types of things that
25 people are hungry for, tangible, demonstrable results

1 proving that compost is good and can help penetrate new
2 market areas, particularly the agricultural marketplace.

3 The Board's success in that program is to be
4 commended and asked to be expanded and replicated in other
5 aspects of market development.

6 In working directly with businesses and trade
7 associations, particularly generator businesses, we find
8 that workshops that are something that are critically
9 important to getting the information, not just on paper, but
10 into people's minds and hearts and really understanding the
11 information and working with their peers to absorb that
12 information.

13 So we urge continued work on workshops by the
14 Board, working with other associations like ourselves and we
15 appreciate the support the Board has given to the workshop
16 programs that we put out.

17 Publications are needed.

18 Recognition, your WRAP award winning program is an
19 excellent program. We'd like to invite you to highlight and
20 recognize all those award winners at our annual conference,
21 for example, coming up in 1996 in Newport Beach in June 16
22 to 18.

23 Invite all the WRAP award winners down and let's
24 give them a strong appreciation for all the successful
25 things that businesses have accomplished around the state.

1 Market development for the commercial sector,
2 what's going to make it work is money. If it's cost
3 effective, if they're saving money, it's going to work and
4 the key to that is markets and therefore your market
5 development program is critically important to strength in
6 the markets.

7 The zone program is a great example of probably
8 one of the best in the nation efforts of combining economic
9 development and recycling interests and being successful at
10 attracting and expanding businesses throughout the state to
11 expand markets.

12 Waste prevention, working with businesses, there's
13 an incredible amount of success happening in waste
14 prevention. When businesses really delve into how they
15 generate waste in the first place they find that they come
16 up with whole new systems that eliminate the waste and
17 enable them to operate more cost effectively.

18 Help for local governments. That's needed to
19 continue the successes that they've had. We had a meeting
20 with Wesley Chesbro a couple weeks ago where we emphasized a
21 couple of key points.

22 First, information and analysis, both hard facts
23 and analysis of those facts to highlight what are the
24 reasons that some programs have been most successful.

25 And particularly providing economic information

1 for them to compare their costs and propose those in their
2 area with others around the state.

3 Secondly, technical and siting assistance, working
4 to help get projects built, both reuse, recycling and
5 composting projects on the service side and the market
6 development projects needed to keep the economics sound.

7 And, third, funding help. Your grants programs
8 have been instrumental in many innovations throughout the
9 state, particularly in oil and tires.

10 Looking at other creative ways of doing grants
11 programs, such as some of the ideas mentioned in your packet
12 this morning are things that we would encourage you to look
13 at, and providing information on how local governments have
14 successfully funded their programs.

15 Local governments are all pinched very badly in
16 today's economic climate. Your assistance in providing them
17 information on what were some of the best funding and
18 creative ideas for funding programs at the local level,
19 franchise fees, taxes in light of the latest Supreme Court
20 decisions on the use of general funds and fees and taxes.
21 That's going to be even more critically important. The
22 Supreme Court has narrowed the field of options to local
23 government to fund these programs significantly.

24 Your help in trying to look at what are the best
25 success stories and how have programs been funded most

1 effectively, harnessing their rate structure fees and taxes
2 to give the pricing list to the marketplace, that also will
3 stimulate greater waste prevention, recycling and composting
4 are things that we ask that you consider.

5 Again, thank you for the opportunity to present
6 comments here this morning.

7 Commend your efforts and look forward to
8 responding in writing after reviewing the materials that we
9 received this morning.

10 Thank you.

11 BOARD CHAIRMAN PENNINGTON: Thank you.

12 Any committee member want to ask him any question?

13 BOARD MEMBER CHESBRO: I'll ask you, Gary, and
14 then others who hear this question might want to, rather
15 than waiting for me to ask for it, I'd be interested in all
16 presenters today, feedback on this.

17 We've had the question of how local governments
18 establish cost effectiveness and compare programs and make
19 decisions about how much of their resources they're going to
20 put into construction and demolition, let's say, or how much
21 they're going to put into compost collection and processing
22 and marketing.

23 And one of the ideas that we had come up with to
24 complement the existing models that have been developed was
25 this idea of a program comparison model that would hopefully

1 be flexible enough to allow the local jurisdictions to plug
2 either local or regional numbers in to try to make cost
3 comparisons and would create a certain amount of
4 standardization that the Board has established this as a
5 model and so therefore people could use it with some
6 confidence, I would hope. We're here from the State, we're
7 here to help you.

8 Anyway, I'd be interested in your feedback and
9 anybody else speaking today about whether folks view that as
10 a constructive tool or not.

11 MR. LISS: I think it's an excellent question.

12 Prior to my position with CRRA I was manager of
13 solid waste and recycling programs for the City of San Jose
14 for ten years. And one of the things that in presenting
15 that information forward in rate-setting process for example
16 to the City Council that we always did when we presented
17 what our rates are and the cost of programs, we looked at
18 programs in our county, particularly other cities that had
19 comparable types of level of service to ours, and then we
20 looked at similar cities around the country that had
21 comparable levels of service to ours and showed how our
22 rates compared to countywide and then national comparable
23 cities.

24 So the comparability evaluation is a critical
25 element in the political process. And remember, I'm sure

1 you're aware, that all the economics of solid waste are
2 political. So it's critically important to have the
3 economic framework that you're looking at be providing
4 information in a framework that the political leaders need
5 in order to compare themselves to people in comparable
6 circumstances.

7 BOARD MEMBER CHESBRO: So a certain amount of --
8 MR. LISS: Regional.

9 BOARD MEMBER CHESBRO: -- data, case study type
10 data from other jurisdictions.

11 MR. LISS: Around the state would be useful, but
12 then the regional analysis, I'm encouraging that in addition
13 to statewide sample points which, you know, should be an
14 immediate process. Developing a system whereby you can pool
15 that data and show in each county as someone calls up the
16 database they could search for in Alameda County there's
17 these many programs with unlimited garbage service and
18 curbside recycling and these are the rates for those types
19 of programs. To have that type of specific information on
20 rates and cost of programs be accessible would be great.

21 And with e-mail these days you can set up a
22 system. We just joined e-mail you can set up a system where
23 people were sending their stuff into an e-mail database and
24 all of sudden you provide a format for it, and all of a
25 sudden it could all fill up rapidly without you having to do

1 a whole lot of work. People want to share their information
2 and they want to get it out to others as well.

3 BOARD MEMBER CHESBRO: Thank you.

4 BOARD CHAIRMAN PENNINGTON: Any other?

5 BOARD MEMBER RELIS: I have a question for Gary.

6 You raised two points that I would like to pursue.

7 One is the technical and siting assistance. I
8 wondered what specifically you might have had in mind there?
9 Are you thinking of with some of the diversion facilities
10 and compost facilities that there needs to be some work done
11 by the Board?

12 MR. LISS: Actually I was drawing on comments we
13 made during the market development plan activities several
14 years ago where our Recycling Market Development Council had
15 said the first priority for the Board to work in market
16 development is buy stuff, procurement, work on buy-recycled.
17 It's critically important thing both for the State agencies
18 and for working with public and private sector to buy
19 recycled. That's the most important thing for buy-recycled.

20 Then we also looked at financing and siting
21 assistance as critically important to market development and
22 it's in that area that it's probably the most tangible in
23 which the Board could provide additional help in lending
24 support to projects that are being proposed because everyone
25 within the solid waste and recycling unit recognizes the

1 need for more manufacturing, market development facilities,
2 and there still are siting problems for these facilities.

3 Someone playing a role in being an advocate for
4 these projects. The Board has had an unfortunate dilemma
5 between your enforcement role and your advocacy role that
6 hasn't been well reconciled.

7 And the issue there is, as I understand it, that
8 the Board feels that because you may consider landfill
9 permits with residue from paper mills, for example, down the
10 road, you can't support a particular paper mill's
11 activities.

12 Well, maybe you could support another entity, a
13 CRRA, another nonprofit group, maybe an R-team or a Clean
14 California Center come up with a mechanism that lends
15 support to these projects, puts these projects into context.

16 When I was working in San Jose in 1983 one of my
17 first projects was to help site the Kirby Canyon Landfill in
18 San Jose.

19 What I did as a solid waste manager is I would go
20 with the project proponents into the planning department,
21 into the zoning department, into the different permitting
22 agencies, give an intro and say this project is in the
23 public interest, we need this type of facility on line in
24 order to meet our public policy goals of ensuring
25 competition in San Jose by 1985.

1 We got that project through in three and a half
2 years, record time, half of what the standard time was at
3 that time, for siting of a landfill because -- and one of
4 the reasons I believe was because the clear public policy
5 interests were being advocated at each stage of the
6 development process.

7 We don't have a mechanism for that. The recycling
8 market development zone administrators are doing that at the
9 local level.

10 If there was a statewide effort that could also
11 show the State interest in these projects it might assist
12 and help develop these projects quicker and more timely and
13 more effectively.

14 BOARD MEMBER RELIS: Just one further thought, I
15 agree with what Gary says about the tie-in with workshops
16 and existing organizations who are out there like the CRRA
17 annual conference where we have to think, I think, as a
18 Board about what's the most cost effective way to deliver
19 the information that we are generating here, whether it's
20 cost data or market data or compost work or whatever it is,
21 and I can't think of a more cost effective way than to work
22 through existing organizations and forums that they're
23 holding and I hope we can take that to heart and give that
24 more focus.

25 MR. LISS: That would be great.

1 I'd like to highlight next week, October 26th, we
2 have increasing paper recovery in San Bernardino workshop.
3 It would be excellent.

4 BOARD CHAIRMAN PENNINGTON: Thank you.
5 Mr. Boone.

6 MR. BOONE: Thank you. For local California I'm
7 the executive director of a small nonprofit called the Total
8 Recycling Association. We have dismantled and salvaged
9 10,000 mattresses this last year and a thousand couches.

10 I was a member of the committee in Alameda County
11 in 1990 which got enacted the Alameda County Waste Reduction
12 and Recycling Initiative which sets a goal of 75 percent
13 landfill loading reduction by the year 2005.

14 This, I believe, is the highest landfill reduction
15 goal in California, maybe in the country. It does not have
16 any of the population adjustment figures which are in the
17 California State statute, so in many ways it's the most
18 aggressive waste reduction ordinance in local government
19 regulation in the state.

20 We believe it's totally meetable without any
21 problem at all since we believe there is no solid waste,
22 there are only wasted solids. Old saw from the hippie
23 environmental days, but not to be neglected.

24 Clearly what's happening today I believe is that
25 the solid waste industry has decided that recycling is a

1 part of the future and not landfilling.

2 And I think that probably the most important thing
3 that can happen in the next five years is that this Board
4 recognize that the garbage industry essentially is
5 repositioning itself as a recycling industry and that you
6 should not be persuaded or overpowered by the reactionary
7 elements in that industry, nor by the parts of that industry
8 which essentially are attempting to preserve market share at
9 the same time that the handling of discarded materials are
10 becoming incredibly more complex, because of the fact that
11 it's much easier to bury everybody than it is to make them
12 well.

13 When you have to make them well you have to figure
14 out what's wrong with them and how do you go about making
15 them well. There's varieties of medicines and treatments
16 that are available. If you bury everybody you just put them
17 in a casket and put them in the ground. That's pretty
18 simple. But when you try to treat them and make them well,
19 which is essentially what we're trying to do with materials
20 in the same way that we do with people, and it's much more
21 expensive. Health care is much more expensive than burial.

22 So I think the most important issue for the Board
23 over the next five years is not to be persuaded by the
24 reactionary elements. The people who are averse to risk and
25 who are resisting the repositioning, which I think is

1 happening and will happen, and the more progressive
2 companies are already very much involved in that.

3 The second issue which I think is a concern to me
4 is the shortage of smart young people in this business.

5 I have been very concerned about the fact that the
6 kinds of people who are coming into this industry, and I
7 mean by that the waste reduction and recycling industry, I
8 don't see the kind of intelligence and commitment that I see
9 amongst some of us who are getting old and a little gray.
10 And I'm worried about that. I don't know whether we need
11 intern programs, I don't know whether we need a higher
12 profile. I'm not quite sure what we need, but I think we
13 need something to attract more bright young people to this
14 industry.

15 The third thing that I think is a problem is the
16 fact that we do not have any national policy which supports
17 recycling.

18 We do not have a National Institute for Recycling
19 like we have a National Institute for Health.

20 We do not have the kinds of database of
21 information about what's working and that people can draw
22 upon.

23 Whether the State can do that on its own, whether
24 the states working together can do that, I don't know.

25 I was involved in the equal employment business

1 before there was federal civil rights law and the states
2 basically collaborated and worked together to develop
3 systems to basically share information so the people would
4 learn both how the law was developing and what could be done
5 to enhance that.

6 I feel that we need that same kind of thing in the
7 United States. Whether the State of California can take a
8 lead on that, I don't know.

9 We had a program in Alameda County basically of
10 developing, collecting commercial food wastes and doing a
11 sample, small composting project with that material.

12 San Francisco was about to fund a project that was
13 proposed in San Francisco to do the same thing they we had
14 already done in Alameda County, but the people in San
15 Francisco didn't know what we had done in Alameda County.
16 So there's this sort of reinventing the wheel and all this
17 endless duplication.

18 And I think there's a real need, in the same way
19 that in the science fields and the medical fields cancer
20 research, AIDS research, there's a tremendous database,
21 everybody who's involved in this talks to each other, nobody
22 spends money unless it's been thoroughly peer reviewed. I
23 think we need that kind of level of accountability and
24 thoughtfulness in the future of waste reduction and
25 recycling.

1 The third thing I would say is in term of program
2 evaluation. We can spend a lot of money, but if you really
3 look at the program evaluation I see it very very soft.

4 We spend money in Alameda County sending people
5 out to run little programs for kids in schools and they make
6 things out of stuff that somebody took out of a garbage can
7 or would normally put in a garbage can and we say that's a
8 good thing. And everybody feels good about it and get their
9 picture taken in the newspaper, the kids get their picture
10 in the paper when these programs are run, but there's no
11 real data which suggests that there's any connection between
12 this nice feel-good program and the fact that the kids then
13 go home and yell at mommy and daddy to keep the cans and
14 bottles and newspapers out of garbage cans.

15 BOARD MEMBER CHESBRO: Those kids might be the
16 bright next generation you're looking for.

17 MR. BOONE: They may be. They may be. That's
18 true.

19 But I think we need some -- we need to think about
20 that and we need to -- I think we need program evaluation.
21 I think that the kind of hardnose stuff that goes.

22 A friend of mine is a senior manager of the Salk
23 Institute and he spends a lot of his time competing for NIH
24 money and a variety of other funds. They spend a lot of
25 time evaluating what other people have done with the half a

1 million dollars to make sure that they don't spend more
2 money in the lab that's not gonna ultimately benefit cancer
3 research.

4 I think that we have been kind of soft in the
5 program evaluation area and I think we really need to
6 tighten that up.

7 The next thing, I have only two more points, has
8 to do with landfill pricing systems.

9 In Alameda County essentially you go to the dump
10 by the ton or by the yard, depending on what the garbage
11 company chooses. People drive in there -- there's a company
12 in San Leandro that has a machine that basically melts down
13 the mis-formed Styrofoam that they make, they make Styrofoam
14 panels and polyethylene, expanded polyethylene panels.

15 When that machine gets broken down they go to the
16 dump with that stuff because they don't want it to build up.
17 They can take an entire trailer load of stuff and it costs
18 them about 15 bucks to dump it. It's literally hundred-plus
19 cubic yards.

20 Why? Because they have an account with the
21 garbage company that has them pay by the ton.

22 If those guys had to pay by the yard instead of by
23 the ton, they would get their machine fixed, instead of
24 going to the dump, because it would be a more cost effective
25 solution for them.

1 I recycle mattresses. The people who go to the
2 dump by the yard, a mattress is worth about 4.50 to get rid
3 of. If you go by the ton it's only worth a buck 50.

4 If I get 4.50 for every mattress that I dismantled
5 this year instead of a buck 50, I wouldn't have needed any
6 grants to keep that program going.

7 So there's a whole issue about how do we price
8 these services.

9 And I think compared to the utilities industries,
10 which are very very sophisticated in the way that they use
11 money to move power around, I think in the garbage industry
12 we basically have been very unsophisticated, and I think we
13 need to work on that some more.

14 And the last thing I wanted to talk about is the
15 issue of bans, banning material from landfills.

16 As you know, several years ago we had the
17 appliance white goods law, basically says that you're not
18 supposed to put white goods in the landfill unless it's
19 economically impossible.

20 The time I spent at the transfer stations, I don't
21 see any white goods going into landfills unless they're
22 coming in in drop boxes and beating a back door to the
23 transfer trailer.

24 Basically, people are taking that responsibly.

25 I go and I see tires. You don't see any tires

1 going into landfills anymore, because, at least not in
2 environments that I'm available is that it's not permitted
3 anymore.

4 I think at some point a product or a material
5 becomes sufficiently unacceptable and there's enough
6 consumer acceptance of the fact that this product and
7 material is in fact recyclable, that we can make those
8 bans.

9 What they're doing in Oregon now is they're doing
10 some sort of stepped bans where -- I don't have the details
11 on this, but basically they want 25 percent of all of the
12 particular commodity out of the waste stream by a certain
13 year and 50 percent by a year or two later and 75 percent by
14 a year or two later than that.

15 I believe that this Board, if you don't have that
16 kind of legal power, I think you should.

17 The Federal Aviation Administration did not have
18 to go back to the Congress as they basically squeezed
19 cigarette smokers out of airplanes. That basically was the
20 power of the FCC, excuse me -- and they acted on that ban.
21 So first it was, you know, one-hour flights and then
22 two-hour flights and now you can't smoke anywhere.

23 So those kinds of stepped regulatory constraints,
24 I think, are possible and doable and I would hope that you
25 all, if you don't have that legal authority, would get it.

1 I think right now we could ban sewage sludge in
2 landfills in California and I don't think anybody would
3 complain too much.

4 The landfill operators would complain because
5 they're enjoying taking all that material and making money
6 on it.

7 But I think that there's certainly plenty of land
8 application sites in California, so let's go ahead and do
9 it.

10 I think that's the kind of -- I think we spend a
11 lot of money on information education and we spend a lot of
12 money on programs, but I think that the pricing structures
13 and the banning of materials in landfills I think are both
14 very viable strategies that we haven't really gone too much
15 into yet in California and I would certainly encourage you
16 to do that in the next five years.

17 Thank you.

18 BOARD CHAIRMAN PENNINGTON: Thank you.

19 Any questions?

20 Okay. Next we have Tara Gauthier and Judy
21 Lieberman.

22 MS. GAUTHIER: Mr. Chairman, thank you for this
23 opportunity to speak today.

24 My name is Tara Gauthier and I'm from Trinity
25 County.

1 A great amount of woody organic material is being
2 burned in our county due to fire hazard clearing
3 requirements of CDF.

4 Should regulations change due to stricter air
5 quality standards, our county would see a new influx of
6 material into the landfill that was not included in our base
7 year numbers.

8 This type of change would require us to actually
9 meet a diversion goal of over 50 percent.

10 While urban areas have been able to accomplish a
11 great amount of diversion through large-scale composting
12 operations, which are usually supported by curbside pickup
13 of green material, rural areas such as ours do not have the
14 economy to support municipal composting.

15 This leads us to two recommendations to the Board.

16 One is we encourage the Board to accommodate for
17 the effect of any change or upcoming change in burn
18 regulations.

19 The second is we encourage the Board to pursue a
20 methodology for calculating diversion targets for the
21 various jurisdictions based on population density.

22 For example, a formula such as density equals 50
23 percent of one minus one over population, where D is the
24 target diversion rate and P is population density in persons
25 per square mile. It might possibly be a way to address this

1 disparity.

2 And that's all of my comments.

3 BOARD CHAIRMAN PENNINGTON: Thank you.

4 BOARD MEMBER CHESBRO: May I ask?

5 BOARD CHAIRMAN PENNINGTON: Sure.

6 BOARD MEMBER CHESBRO: Can you put that in writing
7 and that way we can have our staff look at the problem and I
8 think -- and it may be different approaches that could
9 address it, so I think it would be helpful if you can.

10 MS. GAUTHIER: Yes. Thank you.

11 BOARD CHAIRMAN PENNINGTON: Thank you.

12 Any other questions?

13 Thank you.

14 Judy Lieberman.

15 MS. LIEBERMAN: Hi. Good morning. Thanks for the
16 opportunity to speak. I hope that Alameda County isn't
17 overrepresented here. I think we all just like to drive
18 down 80 so much. We're all here.

19 My name is Judy Lieberman and I'm here
20 representing the City of San Leandro. It's small to medium
21 size city in Alameda County.

22 And I just wanted to tell you a little bit about
23 our experience and how it might relate to what the Board is
24 going to be doing in terms of hopefully assisting local
25 governments in getting to that 50 percent.

1 Our experience in San Leandro so far has been
2 good. We've been initiating our curbside programs, our
3 green waste programs, we're working on reuse, on source
4 reduction, on used motor oil, and we feel pretty confident
5 that we have achieved our 25 percent by 1995. So that's
6 good.

7 And now we're kind of looking ahead and thinking
8 about how we're going to get that next pretty hefty amount
9 of waste reduction.

10 And I think something that Gary Liss says rings
11 very true and I'm sure you'll hear it again and again is
12 that the next thing we really have to do is look at the
13 business community.

14 And in San Leandro we've done a fair amount of
15 work on that. We've worked with our business community and
16 some of what we found is that large businesses, they're
17 doing it. It's economically in their favor to recycle.
18 They've been doing it for a long time.

19 They are affected by markets, but largely it's
20 occurring. What we found is that our small and medium size
21 businesses, which in many urban areas make up about 80
22 percent of the total business community, they're the people
23 who have a problem. And they're a big percent of the waste
24 stream.

25 So what are some of the things that the Board can

1 do? And I'll just mention a few things.

2 We need to have some kind of dialogue going with
3 our business community, our haulers and local government,
4 because local government is limited by the legal decisions
5 that have come down.

6 In a certain way small businesses are almost like
7 residents. With residents we can start a program, we
8 mandate a program and you do it. It's out there and people
9 like to participate in it. It's generally well received.

10 And in a business community we really can't do
11 that.

12 And so what happens is that whereas the large
13 businesses are already recycling, the small businesses
14 aren't. And it's not very economic for a hauler to collect
15 just from small businesses. The quantities are small,
16 they're spread out. Often there's space problems.

17 So we need to have some kind of dialogue about
18 that.

19 One of the things I will say as a representative
20 of local government is that we feel your priorities,
21 especially when they come down in terms of money, there's
22 motor oil money out there, it's a great block grant program
23 and so we're doing it. And I think I would encourage that
24 kind of thing in terms of working with businesses.

25 And again I think that perhaps some kind of

1 dialogue might provide direction in terms of what's needed.

2 Some of the materials that are problematic for us
3 are food waste and plastic. I think everyone knows that
4 paper markets are pretty good, although they do go up and
5 down and that really impacts us.

6 And lastly I think we can facilitate some
7 networking. In the Bay Area there has been at least one
8 meeting of the Bay Area Business Recycling Network among
9 local governments to see what other local governments are
10 doing.

11 And I think Gary Liss also mentioned that it's
12 really very helpful if the Board can facilitate any of that.

13 Lastly, with regard to the cost effectiveness
14 issue which someone had mentioned wanting comment on.

15 I think it's nice. I think it has to be very
16 specific. Sometimes what happens in local government is
17 that our decision making is driven by what's out there,
18 what's out there in terms of our communities. It's very
19 specific in terms of what our waste situations are like.
20 It's amazing how different they are, and what's out there in
21 terms of grant monies and monies that are available to us.

22 In Alameda County we are lucky to have an Alameda
23 County Waste Management Authority who provides us seed money
24 and also to have Measure D, which does provide just
25 per capita like a block grant money.

1 Lastly, I just want to mention that my personal
2 experience with education has been that hit them up when
3 they're little, because my son barely lets me throw anything
4 in the garbage and he's only seven.

5 Lastly, I'm also here representing one other
6 person who couldn't be here and that's Barbara Fryerson from
7 the City of Alameda.

8 And one of the things that she wanted to bring up
9 is the packet that was sent out by the Board on waste
10 prevention. It was a box and there were brochures and a lot
11 of media information.

12 And her comment which she wanted to transmit was
13 that that it was a good idea, that she did use it. And her
14 suggestion for the future and maybe this is something that
15 staff could take back is to work -- before that goes out and
16 before the ads and all that comes out is to work with focus
17 groups and to really make sure that the message is clear.
18 And that's because her experience found that while they were
19 nice, some of the messages people -- we understand them, but
20 the people that we're trying to get to didn't get it. They
21 were a little too clever and not simple enough.

22 So that that concept was good, you know, to have
23 those materials available.

24 And I know that I've often called up and said,
25 hey, do you have a generic motor oil brochure, do you have a

1 generic something, to make them available to local
2 governments and to make sure that there's some feedback
3 somewhere in the loop to local government or focus group or
4 something that they're effective.

5 And that's it. I'd be happy to take any questions
6 if you have any.

7 BOARD CHAIRMAN PENNINGTON: Questions?

8 Mr. Chesbro.

9 BOARD MEMBER CHESBRO: Yes. I wanted to make sure
10 I understood what you were saying about funding priorities.

11 You were saying that while you appreciated the
12 money and the oil program that there were other areas that
13 were underfunded that needed attention, is that what you
14 were saying?

15 MS. LIEBERMAN: I think local-government probably
16 always feels that we're always underfunded.

17 But, yeah, I would love to see in my city some
18 money available to help us out with our small business
19 community.

20 I mentioned the motor oil grant, not because I
21 don't I think it's a good area, because I do, but because I
22 think it's a good program and I like the way the grant
23 works.

24 BOARD MEMBER CHESBRO: Kind of held up as an
25 example of what we ought to be doing in other areas?

1 MS. LIEBERMAN: Yeah.

2 BOARD MEMBER CHESBRO: The other thing I wanted --
3 you mentioned the question of the cost effectiveness model
4 and the dilemma we deal with at the state level, and I think
5 this is what you were getting at, is that, you know, gross
6 statewide approaches to things are even region wide in terms
7 of like the Bay Area or all of Southern California, really
8 doesn't give you what you need at the local level and so the
9 idea is sort of a generic model, computer model, whatever,
10 that that local information you were talking about could be
11 plugged into.

12 MS. LIEBERMAN: Yeah.

13 BOARD MEMBER CHESBRO: So that it would in fact
14 give you a local response, not a response that's relevant
15 somewhere else in the state.

16 MS. LIEBERMAN: Right. To really get down to the
17 local level too, I think that for local governments
18 sometimes even finding out what are the pieces of
19 information that I need, you know. Often cost
20 effectiveness, put a pretty simple equation together, but
21 what are the pieces of information that I need and how do I
22 get them and are they even available to me.

23 And I haven't actually tried to use any of the
24 models, but the City of Oakland has. Maybe they can tell
25 you a little about it, because I know they're here.

1 BOARD MEMBER CHESBRO: Thank you.

2 MS. LIEBERMAN: Thank you.

3 BOARD MEMBER RELIS: Pursue that, excuse me, Judy.
4 Pursuing the business, small business area again, are you
5 saying what we should do is somehow facilitate meetings with
6 between local government people such as yourself and the
7 haulers and the small businesses?

8 MS. LIEBERMAN: Perhaps, yeah. I think that's a
9 start.

10 I think that, you know, again, I'm trying to
11 extrapolate from my local experience, and I think that local
12 governments and haulers do need to figure out how to serve
13 that small business community.

14 Sometimes, you know, in a case of a large hauler
15 who works all over the state, I think it would be good to
16 sit down and talk about that in kind of a dialogue fashion.

17 And I think it's real important to have some
18 representatives of the business community there. Obviously
19 when you're dealing with small businesses, sometimes you
20 bring the chamber in and sometimes they have a lot of small
21 business members and sometimes they're geared toward larger
22 businesses.

23 I think there are a lot of ideas that are out
24 there that could be shared, mentoring ideas, experiences
25 that different cities have had working with small businesses

1 that could perhaps lead to some direction in terms of grant
2 monies or programs or whatever it is we need to really pull
3 that business community in.

4 BOARD MEMBER RELIS: So the Board's role would be
5 to bring that experience to such a meeting? Because
6 obviously you could hold such a meeting now.

7 MS. LIEBERMAN: Right. And we do.

8 So I guess maybe my suggestion is is to make sure
9 that that stuff is going on and to make sure it's happening
10 statewide.

11 And again I think coming from an urban community,
12 you know, I don't want to extrapolate to what a rural
13 community might need to get to that 50 percent, but I think
14 in general any assistance that local governments can have in
15 dealing with pulling the business community in will help us
16 get to 50.

17 BOARD MEMBER EGIGIAN: Could you be more specific
18 about the hauler that you refer to and the small business --

19 MS. LIEBERMAN: Well --

20 BOARD MEMBER EGIGIAN: Now, I want to finish my
21 question.

22 MS. LIEBERMAN: I'm sorry.

23 BOARD MEMBER EGIGIAN: I don't know whether you
24 have a franchise hauler in your area or whether it's
25 independent haulers making arrangements with business to

1 haul their trash. This is what I would like to have more
2 said on.

3 MS. LIEBERMAN: We have both in our community. We
4 kind of have a little bit of an unusual situation.

5 We have a very good recycling network of
6 independents who will solicit larger businesses and who have
7 thriving recycling businesses with our larger industries and
8 office buildings.

9 We also have a franchise hauler who is franchised
10 for our commercial waste stream and that franchised hauler
11 we've worked with to set up -- we've actually run a pilot
12 small business program with them.

13 And out of that experience we have uncovered a
14 number of problems and having done this in a cooperative
15 nature, I think we as a city are a little more understanding
16 now of the difficulties in dealing with small businesses.

17 The other half of our city is also covered by
18 Waste Management. Kind of have a split jurisdiction.

19 And in that case I think that it behooves us to
20 sit down or, you know, maybe other jurisdictions in Alameda
21 County, for instance, to sit down and have some kind of
22 dialogue about how can we -- we know you're out there, we
23 know you're soliciting the businesses that are good to
24 solicit, where it's profitable. And obviously they're a
25 business and they need to make money. But how can we as a

1 city, what do we need to do in conjunction with the haulers
2 to make sure that everyone has the opportunity to recycle.

3 And there's a number of jurisdictions in Alameda
4 County who are trying out different ways to do that.

5 So there's a wide range. It really is very
6 individual, depending on the situation in the cities.

7 And we kind of have a little of each.

8 I don't know if that answered your question.

9 BOARD MEMBER EGIGIAN: Well, I didn't hear any
10 solutions, but I know you're talking to them and you found
11 out there's a lot of problems.

12 MS. LIEBERMAN: Right. There are some ways to get
13 haulers into the community. I mean, one of them is to
14 provide some kind of subsidy. Obviously, some kind of --

15 BOARD MEMBER EGIGIAN: I'm sure the waste industry
16 would like to hear that.

17 MS. LIEBERMAN: Sure.

18 The other way is to have some kind of shared cost
19 system where everyone pays into it and then they provide it
20 to everyone, sort of like residential.

21 BOARD MEMBER EGIGIAN: You don't believe in a free
22 enterprise system?

23 MS. LIEBERMAN: I'm not sure it's going to get us
24 to our 50 percent.

25 BOARD MEMBER EGIGIAN: Oh, my goodness. I thought

1 you had solutions.

2 Thank you very much.

3 MS. LIEBERMAN: Thank you.

4 BOARD CHAIRMAN PENNINGTON: Thank you.

5 Next is Bill Reid and Jon Morgan.

6 You all are sort of a tag team. You can sit at
7 the table here if you want.

8 MR. REID: Good morning, Mr. Chairman and Board
9 members. I'm Bill Reid, a Mono County supervisor and
10 currently the president of the Regional Council of Rural
11 Counties. RCRC is a 25-county federation.

12 We have formed an environmental services Joint
13 Powers Authority and our technical advisory committee has
14 several recommendations that we would like to present to
15 you.

16 We recognize that you may be addressing some of
17 these issues, however we would like to reinforce them.

18 Because some of these things are a little bit out
19 of my realm as a local politician, I would like to introduce
20 you to Mr. Jon Morgan, our Joint Powers Authority program
21 manager, who will discuss these issues.

22 Thank you.

23 -BOARD CHAIRMAN PENNINGTON: Thank you.

24 MR. MORGAN: Again, I'm Jon Morgan. Thank you,
25 members of the Board, Mr. Chairman.

1 First of you, I want to thank you for coming to
2 El Dorado County three weeks ago. We had a lot of fun there
3 and our kids had a lot of fun presenting our recycling
4 opportunities to you and they called and there are some
5 other schools who were very jealous that -- we had 17 more
6 schools who want to do the same thing.

7 BOARD CHAIRMAN PENNINGTON: Well, we enjoyed them.

8 MR. MORGAN: That was a lot of fun.

9 BOARD CHAIRMAN PENNINGTON: The Elks --

10 MR. MORGAN: I see you're going to Napa County
11 next. That's really positive to bounce from county to
12 county and it really gets the word out and knows you're out
13 there.

14 From the RCRC perspective we've polled our 15
15 counties and we've got little chart here. The first page is
16 really the morning session, the second page is the afternoon
17 session.

18 We didn't have as many responses from our counties
19 in the morning session.

20 But really on the first page, which is the first
21 session this morning, most our focus is just to stress that
22 we're gonna have a tough time meeting our 50 percent and we
23 do recognize the statutory exceptions for us, but I want to
24 throw out a for instance out there.

25 Within El Dorado County and Placer County and

1 Sierra County we have a number of MRFs operating and we had
2 a meeting last week in Placer County, or two weeks ago I
3 believe it was, and our operator, franchise hauler,
4 franchise operator, Tahoe Truckee Sierra Disposal in Truckee
5 is, as with them as with our two MRFs in El Dorado County,
6 are given a profit incentive for how much they divert.

7 Then back to this meeting again, they at our
8 meeting discussed how they are doing such a great job
9 recycling the tin, the metals, the plastic and so forth, and
10 all of the sudden end of the day comes through that 24-ton
11 load of asphalt, it just kills them and all of a sudden
12 they're back down to four percent for the day.

13 Our MRF in South Lake Tahoe opened about four
14 months ago and they're experiencing the same problem. It's
15 the market problem.

16 Concrete and asphalt is killing us up there too,
17 so in a disposal-based accounting system, you're doing a
18 great job, you're trying to divert what you can, we spent
19 the money, our franchises spent the money, millions of
20 dollars, and lo and behold comes those hard-to-handle
21 things.

22 One of our solutions is through RCRC is really to
23 focus through our franchises and through our governing
24 bodies is to try to focus on cooperative marketing.

25 We're not real sure where it may go or could go,

1 but we believe that to provide the markets for all these
2 both easy and hard things to recycle is the way to go.

3 And you'll be hearing more from us in the future
4 through grant applications and so forth, as well as the
5 Department of Conservation.

6 BOARD MEMBER CHESBRO: Can I ask a question?

7 BOARD CHAIRMAN PENNINGTON: Yes. Certainly.

8 BOARD MEMBER CHESBRO: Do you mind if I ask you
9 during your presentation or you want me to hold it?

10 MR. MORGAN: Go ahead. That's about it.

11 BOARD MEMBER CHESBRO: I'm not sure, to be honest
12 with you, exactly how we apply it, but we do have conversion
13 mechanisms from weight to volume and volume to weight and I
14 assume that the County has talked with our staff about
15 whether there's any ways to factor those things in to affect
16 the outcome. I don't know the answer, I'm just pointing it
17 out, I'm just suggesting once again that we do have it in
18 writing here and our staff, if you haven't been talking to
19 our staff about trying to figure out how to deal with those
20 things, there may be ways to.

21 MR. MORGAN: And this for instance isn't really
22 all three MRFs I'm talking about. Everything is weighed,
23 total throughput is weighed, so with that load of whatever
24 comes through, which is real heavy, which at this point in
25 time we can't recycle or divert in some other manner it just

1 kills us, and it's killing the franchise from a profit
2 perspective, which says a jurisdiction we don't so much care
3 about, but to meet the overall goal of 25 percent and 50
4 percent, that's what we're faced with right now.

5 BOARD MEMBER CHESBRO: I just again, I think
6 that's something we can have our staff look at and respond
7 to, relative to whether there's any other way to look at it
8 besides the way the County has been approaching it, from a
9 measuring standpoint.

10 But I appreciate the constructive effort to find
11 markets. That's the best solution to get the stuff out of
12 the system.

13 MR. REID: If I may, Mr. Chairman, you've
14 addressed and recognized, I believe, that rural counties are
15 different and unique and I'll just give you a very brief
16 scenario.

17 Mono County, where I come from, 10,000 people,
18 we're stretched over about 125 miles long, along Highway
19 395, six landfills. We have a General Fund budget of \$16
20 million. Not much money in the big picture. But over a
21 million dollars of that 16 million goes to landfills.

22 We are doing everything we can to comply. We want
23 to comply. We're making good faith efforts. We just need a
24 little flexibility that you've given us in other areas
25 before and we'd like you to continue that.

1 But 10,000 people spend over \$1 million out of a
2 \$16 million budget for landfills in our small county. And
3 that's duplicated, replicated throughout the rural areas of
4 California. And I know you know that, but I just like to
5 reinforce it this morning.

6 And thank you.

7 BOARD CHAIRMAN PENNINGTON: Thank you.

8 Mr. Relis.

9 BOARD MEMBER RELIS: I was just thinking about
10 what you said about the demo waste or the asphalt concrete.

11 MR. MORGAN: Hard-to-handle asphalt.

12 BOARD MEMBER RELIS: I'm assuming that's what it
13 is.

14 This last year we elevated that area to priority
15 area in our markets work.

16 And there's a case where I think some thought by
17 the local government on procurement, meaning specifications
18 to utilize such materials in construction for say the Tahoe
19 Basin is, I think, still a growing area and there's probably
20 a lot of construction there, we both are able to make loans
21 to businesses that could utilize that material and some
22 connection between the buying of it and the use of the
23 manufacture or remanufacture.

24 I think it's worth looking into in certain areas,
25 perhaps tied into the material recovery facility.

1 And I'm just offering that the Markets Division
2 could certainly be of help to you in that regard both if you
3 have businesses that are potentially wanting money and they
4 would meet our criteria to recover that material.

5 But I think government, local government has a big
6 role to play in specifications there and we can connect you
7 with CalTrans and others on that regard.

8 MR. REID: Good.

9 BOARD CHAIRMAN PENNINGTON: Thank you.

10 Are you going to come back this afternoon?

11 MR. REID: Yes.

12 MR. MORGAN: I just want to echo, Alameda County
13 stressed how wonderful some of the grants program have been,
14 for example used oil, and for instance RCRC has actually
15 submitted applications and received grant money for used oil
16 and is helping us stay alive.

17 We want to fully support that and maybe recommend
18 one more change and recognize one reality. I believe the
19 latest grant cycle for HHW allows any city or any county to
20 apply for a maximum of \$120,000. We would like to see some
21 kind of effort to move to recognize big regions like us,
22 we're 15 counties and still growing, to possibly have a next
23 tier up where maybe 240 or 360 or some kind of level of
24 additional funding would be available for special HHW or
25 used oil grants. It would really help us a lot.

1 BOARD MEMBER CHESBRO: You mean for the region to
2 apply?

3 MR. REID: Yes.

4 MR. MORGAN: Right now, we just submitted some
5 applications and we're kind of cut out at 120 for 15
6 counties. It's a big area and lot of stuff to do with not a
7 whole lot of funding even though we do very much appreciate
8 the funding.

9 BOARD CHAIRMAN PENNINGTON: Okay. Thank you very
10 much.

11 Next is Chuck White, followed by Rick Best.

12 MR. WHITE: Good morning, Mr. Chairman, members of
13 the Board. My name is Chuck White with WMX Technologies.

14 Certainly appreciate the opportunity to come
15 before you today along with others to talk about ways that
16 we can implement 939 and perhaps even improve upon
17 compliance with the provisions of that Act.

18 I think the key thing that we would like, would
19 urge you to take a look and ways that we can simplify and
20 streamline AB 939 compliance. And this is a message that we
21 have been talking about for some time, because as we watch
22 the regulatory framework develop in terms of disposal
23 reporting, huge systems that are designed to measure
24 compliance by tracking each ton of solid waste, it seems to
25 us that we're diverting attention from the real purpose, the

1 real need is to develop the programs that will in fact make
2 a major impact in diverting waste from solid waste
3 landfills.

4 And although it's anticipated that most cities and
5 counties will probably meet the 939 goals for 1995 of 25
6 percent, and I hope Mr. Chesbro is right with his 30 percent
7 participation, but clearly the 50 percent requirement is
8 gonna in fact be much tougher and much more expensive to
9 achieve.

10 And this is really pointed out by a couple of few
11 simple facts.

12 One is most local agencies started out in 1990
13 with a diversion rate of about 11 or 12 percent, and so
14 really the increase in diversion, if 25 percent is where we
15 end up, would only be about 13 percent.

16 And basically to move the next five years to the
17 year 2000 local governments are gonna have to do twice as
18 well as they did during that five-year period, but on a far
19 more tougher part of the solid waste stream to achieve those
20 diversion goals.

21 World markets for recovered materials have
22 fluctuated widely, as we are all aware, and we expect them
23 to continue to fluctuate, fluctuate wildly and have impact
24 on the economics of diversion. What may be economically
25 feasible one year may be less feasible the next year and

1 that's gonna have a tremendous variability on the success of
2 many diversion programs.

3 The diversion of yard waste will require a
4 substantial capital investment in collection vehicles and
5 processing facilities.

6 And our feeling, as I say, we have expressed this
7 before, in lieu of a single statewide goal of 50 percent, in
8 order to reduce the various extensive planning and bean
9 counting costs that are in a sense sideline cost that really
10 don't contribute to the actual achievement of these goals,
11 we believe local governments should be given alternatives
12 for complying with AB 939.

13 We believe the local governments which establish
14 what is believed by you and most people to be the most
15 practical and cost effective type of waste diversion
16 programs and which agree to periodically evaluate and report
17 on the effectiveness of programs should be deemed to be in
18 compliance with 939.

19 And whether or not this requires statutory change
20 or something you can simply do within our own regulatory
21 authority and basically saying if you've got this mix of
22 programs out there it's more important that you've got those
23 programs in place and you're doing everything you can to
24 make them work than worry about whether they're at 49 or 48
25 or 47 or 50. Let's get those programs and get them working

1 to the maximum extent possible.

2 Now, I'm not suggesting you throw away the
3 existing procedure. I'm just simply suggesting you provide
4 an alternative.

5 If a local agency wants to have complete latitude
6 to do not whatever they want to, fine, they can go under the
7 existing regulatory framework.

8 But on the other hand if they are able to
9 demonstrate that they have implemented to the maximum extent
10 feasible, and I think you can describe that through a
11 rulemaking or clarification of your existing rules, that
12 you're deemed to be in compliance. You've met the 50
13 percent goal.

14 That is, if you've got things like a residential
15 curbside recycling program for single- and multiple-family
16 units, if you've got diversion of wood waste to biomass
17 facilities or other types of uses, you've got special or
18 specific periodic white goods collection programs, if you
19 have a yard waste collection program for production of
20 mulch, compost or other beneficial uses, if you have got
21 commercial separation and collection of correlated material,
22 high-grade paper, mixed office paper, if you've got
23 diversion programs for concrete, asphalt and clean dirt, and
24 if you've got household hazardous waste collection program,
25 if you have all these programs in place, then you comply

1 with 939. There isn't anything more you can do.

2 You've basically, as long as you've demonstrated
3 that you have implemented these programs, this Board would
4 deem that that jurisdiction -- and again I should back off.
5 I'm talking about primarily urban jurisdictions. There are
6 special problems, as the previous speakers mentioned, with
7 respect to rural and I think you folks are addressing that
8 and we'll probably continue to address the special needs.

9 Speaking of urban areas, that if urban
10 jurisdiction does demonstrate they have these programs in
11 place, this Board through its rulemaking and its authority
12 in implementing 939 should basically say, yes, this
13 jurisdiction is in compliance with 939 if they have these
14 programs.

15 If a different jurisdiction wants to use something
16 else, another mix, something else, something new that isn't
17 part of that mix, they still have the existing process that
18 has been established and this is simply to provide an
19 alternative to that existing approach.

20 I'm not sure if this is a regulatory streamlining
21 suggestion, that I should also repeat it in this afternoon's
22 session, but I hope my presentation this morning will get it
23 on the record for your consideration.

24 Appreciate it.

25 BOARD CHAIRMAN PENNINGTON: Thank you.

1 Any questions?

2 Mr. Chesbro.

3 BOARD MEMBER CHESBRO: I'll let Paul go first.

4 BOARD MEMBER RELIS: Well, Chuck --

5 BOARD CHAIRMAN PENNINGTON: I always look to my
6 right.

7 BOARD MEMBER RELIS: I know you brought this up
8 before, it's an interesting idea, kind of cookie cutter
9 idea, perhaps. We've -- somebody has agreed that these
10 programs represent the optimal mix that should take you to
11 50 percent, and if for some reason you don't get there, it's
12 no fault, I guess is what you're saying.

13 I don't know if that wouldn't, though, inhibit
14 just the creativity and the basic way programs get figured
15 out, which are very difficult, I think, for a State agency
16 to say, well, we've evaluated this whole mix and these are
17 the ones.

18 Because a curbside program, for instance, I'm sure
19 WMX would know this, but I'm told that at least if you're
20 doing green waste and mixed waste paper recovery, assuming
21 viable market, you get 40 percent recovery from the
22 residential stream in urban areas from those two programs
23 alone. The residential --

24 MR. WHITE: That's my point.

25 BOARD MEMBER RELIS: -- sector.

1 MR. WHITE: If you've demonstrated you've got
2 these programs you're probably in excess. You've got it,
3 the 50 percent. You, basically, why worry about all the
4 other things that go along?

5 And I would agree with you concerning you're
6 cookie cuttering it and you're restricting if you were to
7 take the existing approach and throw it out and replace it
8 lock, stock and barrel with what I'm suggesting.

9 But I'm suggesting you provide two alternatives.
10 The existing process, which you can do anything you want as
11 long as you demonstrate you've diverted 50 percent, or you
12 provide an alternative.

13 And you take a look at all the SRREs, all the
14 successful programs that are being implemented in urban
15 areas around the state and you say we think that these five
16 or six or ten types of activities will get you there in
17 virtually any kind of urban area, and if you've done those
18 things, then you've met it.

19 I think that would provide a lot more flexibility,
20 it would be true to the intent and goals of AB 939, provide
21 some more options, provide a streamlined approach, instead
22 of this very weighty regulatory disposal tracking,
23 bookkeeping, bean counting process that is diverting
24 people's attention to the real intent of putting programs in
25 place that will successfully divert waste to meet the goals.

1 BOARD MEMBER RELIS: But just one more point.

2 MR. WHITE: Sure.

3 BOARD MEMBER RELIS: We have switched, as you
4 know, to a disposal-based system. That was pointed out in
5 the introductory remarks. That was a very substantial shift
6 from the paperwork side, because we got the message that the
7 paperwork was too burdensome. And it simplified it a great
8 deal.

9 MR. WHITE: The concern I have is you're putting a
10 lot of credence, and I would argue maybe not this morning is
11 the time to argue that, but there's a lot of flexibility in
12 those numbers and a lot of lack of precision and you're
13 putting a tremendous amount of weight on numbers, based upon
14 1990 numbers, which you look back and, gee, I wish we'd done
15 a little better bit job counting in 1990, but we've got this
16 adjustment factor for modifying the 1990 to 1995 in the year
17 2000, got to go back and recount on this quarterly basis.

18 The point is, are we putting more reliance on
19 these numbers to determine whether we have met the goals?
20 I'm not saying throwing that system out. I say keep that
21 system, but say let's have this other alternative that has
22 programs that's based upon what we know works and use that
23 as a basis for measuring compliance with AB 939.

24 BOARD CHAIRMAN PENNINGTON: Okay. Mr. Chesbro.

25 BOARD MEMBER CHESBRO: Well, somebody who spent a

1 long time in local government and a long time in
2 recycling --

3 MR. WHITE: I've giving you options.

4 BOARD MEMBER CHESBRO: The approach that we've
5 taken has been very much focused on the local mix.

6 And I would submit that with our enforcement
7 policy, which I assume you're familiar with and have read,
8 we're very close to what you're talking about with one major
9 exception, and that is that the focus is not on a
10 State-level adopted list of programs that we think from on
11 high are the most logical combination, but rather on what
12 the local jurisdiction's identified in their SRRE as a local
13 basis being the ones that they think will get them there and
14 that we've approved and that will get them there and that
15 can be revised. They can come back to us and say we changed
16 our mind, we analyzed it, we decided that maybe we should be
17 doing C and D instead of yard waste or vice versa or
18 whatever.

19 And then the enforcement policy that we have,
20 while it doesn't go all the way to what you're talking
21 about, the fact is that a community that has fully
22 implemented all their programs in their SRRE and can
23 demonstrate that, but hasn't achieved 25 or 50 percent, is
24 going to be in a strong defensible position in terms of
25 compliance and enforcement process.

1 So I think that 90 percent of what you're asking
2 for the Board the already and the Legislature have already
3 implemented. It's not identical. There's two differences.
4 One is that it's not locked, shut case if you've implemented
5 all the programs, there's some other factors involved. And
6 secondly, it's really the locally-identified programs as
7 opposed to the State Board saying, Alameda County, here's
8 your program, LA City, here's your programs that you must
9 implement.

10 And so I think we've built more flexibility in
11 it --

12 MR. WHITE: There's no question you've got
13 flexibility. I'm just suggesting there may be additional
14 flexibility provided and still be able to meet the goals of
15 AB 939 by being a little more specific and giving greater
16 reliance on local government establishing certain programs.

17 I'm just concerned that as we get closer to the
18 year 2000 and the current process is the only option, it's
19 gonna be a incredible amount of reliance on numbers that I
20 have to suggest very inexact basis in fact in many
21 situations.

22 So why put so much credence on that as measuring
23 compliance when we know that there are programs out there,
24 mixes of programs that for virtually every kind of urban
25 environment will be successful in meeting and doing the same

1 thing, as long as you're demonstrating that you're doing
2 everything you can within your local jurisdiction to do
3 that.

4 And why get into this numbers game and accounting?
5 You've really done what needs to get done.

6 BOARD CHAIRMAN PENNINGTON: Okay. Thank you.

7 Mr. Best.

8 MR. BEST: Rick Best with the Californians Against
9 Waste.

10 And appreciate the opportunity to speak here
11 today.

12 I think it's great that the Board has taken this
13 step to really try to solicit input in terms of finding out
14 how we as a State are going to ultimately meet our 50
15 percent goal.

16 I think this is something that's something that
17 the Board really needs to do on an ongoing basis, not just
18 on one-time thing, but on a periodic basis the Board needs
19 to solicit input from folks as to how we'll ultimately be
20 meeting the 50 percent requirement.

21 Today in the staff presentation in terms of the
22 two-page summary it asked four questions and I want to focus
23 on one question and that is one of the major issues, one of
24 the major public policy issues that need to be addressed
25 either by the Board or by other entities in terms of how we

1 ultimately achieve 50 percent.

2 I'm also going to talk about some of the solutions
3 and what ones the Board can do, but I want to focus my
4 testimony today on the public policy issues, and comments we
5 submit later will focus more on the specific things the
6 Board can do.

7 I think to begin with, number one, I think the
8 Board needs to recognize that the basis of 939 is the
9 integrated waste management hierarchy. And as you see on
10 the screen there, integrated waste management hierarchy
11 suggest that the Board and local agencies need to promote
12 management practices in the following order.

13 Source reduction first, recycling second and
14 finally landfilling and transformation.

15 So aside from the 25, 50 percent requirement, it's
16 the Board role and it's the role of local governments in
17 terms of trying to promote the hierarchy in terms of
18 promoting waste management practices that follow the
19 hierarchy that's laid out in the Public Resources Code
20 Section 40051.

21 Along with that, I think I agree with the comments
22 made by Mr. Egigian in the sense of I think not only can we
23 meet the 50 percent, but we can go beyond it and that the
24 basis of 939 is to maximize diversion in terms of maximizing
25 source reduction, recycling, composting, not simply

1 achieving the 25 and 50 percent, but doing all that we can
2 to adhere to the hierarchy and promote waste diversion.

3 With that, I wanted to talk in regards to the
4 first major public policy issue that I think needs to be
5 considered, and that is that we need to address waste
6 reduction and recycling as a resource management issue, not
7 just as a waste management issue.

8 The fact is that the benefits of waste reduction
9 and recycling aren't simply in terms of landfill diversion,
10 but it's the resources that we save.

11 But I want to first put up a chart that shows the
12 generation of waste in the United States. And it's this
13 kind of to help provide a context in terms of what we're
14 doing in terms of the Waste Management Act and how that's
15 ultimately going to benefit.

16 This chart here shows the distribution of waste
17 generated in the United States and it shows that the
18 municipal solid waste is only one percent of all the waste
19 generated and that industrial solid waste, other special
20 wastes are actually much greater.

21 The reason I'm trying to point this out is not to
22 belittle the importance of what we're doing, but to show
23 that the benefits that we achieve in terms of reducing solid
24 waste are gonna have much greater benefits in terms of
25 reducing the waste where the products that we use are

1 generated.

2 If you look on the right-hand side it shows the
3 major industries that generate industrial solid waste. Pulp
4 and paper is number one. Primary iron and steel are number
5 two.

6 When we take efforts to try and reduce the waste,
7 when we take efforts to take paper and turn it into a
8 recycled product, we're not only reducing the amount of
9 municipal solid waste that we are generating, but we're
10 reducing the much greater amounts of industrial solid wastes
11 that's been generated.

12 I think it's important for the Board and when we
13 talk about the importance of 939 and what we're doing to not
14 just focus on the task at hand in terms of municipal solid
15 waste, but the ultimate benefits down the line.

16 Now I referenced to the energy issue, the
17 environmental benefits. In terms of that there's not just
18 the waste diversion benefits, but the resource conservation
19 benefits.

20 And this chart shows when you look at creating a
21 product this is where the hierarchy comes into play in the
22 sense of the energy that we save from producing a recycled
23 product is actually much greater when we reuse that product.

24 And this chart shows that the energy used to make
25 a new can is somewhere between six and eight Btu's, much

1 smaller for recycled product, but much much smaller for
2 reused products.

3 I merely point this out to understand that the
4 importance of source reduction is critical in terms of
5 achieving the environmental benefits of waste reduction and
6 recycling.

7 I want to skip that one there.

8 The next chart here shows a comparison of the
9 environmental costs associated with virgin materials and
10 secondary materials.

11 In this you see there's the environmental costs of
12 virgin materials are much greater than the environmental
13 costs of secondary materials.

14 In the case of corrugated cardboard it's
15 identified as 143 percent greater; boxboard, 200 percent
16 greater; aluminum, 618 percent greater.

17 Basically, the reason I want to show this is that
18 the cost savings or the cost issues that local governments
19 are dealing with don't address the environmental costs in
20 terms of they don't address the fact that there's tremendous
21 environmental costs associated with producing nonrecycled
22 products and there's a tremendous benefit, if we are able to
23 change from a virgin materials basis to a secondary
24 materials basis.

25 Some of the best research that's been done has

1 been done by the Tellus Institute. And the Tellus Institute
2 looked at various waste management scenarios.

3 And this chart here shows -- it's not readable.
4 Let me kind of describe the issues that this is showing.

5 They looked at the environmental costs associated
6 with various waste management scenarios. They looked at,
7 first of all, if we didn't do any source reduction, if all
8 we did was recycling and composting.

9 And there was actually an increase in the
10 environmental costs. It went from a cost of \$2.83 a ton to
11 \$4.03 a ton.

12 It wasn't until we actually implemented source
13 reduction that we actually achieved a tremendous benefit.
14 We went from a cost of \$2.83 a ton to a net benefit of \$28 a
15 ton.

16 Similarly when you factor in the environmental
17 impacts of producing recycled materials or producing virgin
18 materials, the environmental benefits go from \$28 a ton to
19 \$63 a ton.

20 So the fact is when we factor in those
21 environmental costs and benefits, waste reduction and
22 recycling have tremendous tremendous benefits and it's
23 source reduction which is key to achieving those
24 environmental goals.

25 The problem is is those environmental costs are

1 not factored into the waste management system that local
2 governments deal with.

3 And that's what I want to say in terms of my
4 opening comments is that we need to recognize that the cost
5 that the local governments face in terms of the cost of
6 collection, the cost of processing and all of those, all of
7 those costs are operations cost and they don't reflect the
8 environmental costs that are associated with extracting
9 materials from the environment, turning those into products
10 and ultimately disposing of those.

11 The fact is in order for us to achieve the 50
12 percent and to go beyond, we need to address that issue, we
13 need to find ways to make the environmental costs associated
14 with producing products factored into how the waste
15 management system develops.

16 So that's the first issue in terms of needing to
17 address recycling and a waste reduction as a waste
18 management -- as a resource management issue, not just as a
19 waste management issue.

20 I think the Board's role in that is certainly
21 gonna be difficult. I mean, there's public policy issues
22 that need to be addressed. I think mostly, though, I think
23 it's important for the Board to try and recognize in the
24 materials that it produces, in the education efforts that it
25 undertakes, that present waste reduction and recycling not

1 as just as landfill disposal issue, but as a resource
2 management issue.

3 I think a lot of us are familiar with some of the
4 backlash that's occurred against some of the waste reduction
5 and recycling policies and the reason is people have
6 continually defended recycling on its waste diversion, on
7 its landfill avoidance benefits.

8 And the key is is to focus on the waste reduction,
9 focus on the environmental benefits in terms of source
10 reduction number one and using recycled materials instead of
11 virgin materials, number two.

12 With that I want to focus on the major policy
13 issue and that is the need for greater emphasis on source
14 reduction. I think the Board has done a lot of work in
15 terms of waste prevention campaign, education, putting
16 together materials, but I think we need to go beyond simply
17 grasscycling and going beyond simply asking folks to bring a
18 reusable cup.

19 I think the Board needs to take a role in terms of
20 working with local governments and sitting down with
21 businesses and finding how can they best reduce waste in
22 their business.

23 There's great examples out there. The example of
24 IBM. IBM took a look at their waste, their resource use.
25 They changed one single packaging system from a cardboard,

1 basically shipping system, to a reusable packing system,
2 and found that were able to save \$2.5 million annually and
3 eliminate, I believe it was 700,000 tons of waste per year.

4 So there was a way of reducing their waste
5 internally, producing tremendous environmental benefits and
6 economic benefits.

7 The third issue that the Board needs to look at is
8 addressing generator-specific programs, not taking a one
9 size fits all, but trying to develop programs that target
10 specific aspects of the waste stream.

11 It was mentioned earlier in terms of the
12 importance of composting. Composting is a major portion of
13 the waste stream and you need to address that those specific
14 generators of yard waste and food waste and ways to develop
15 those, develop programs to divert those materials.

16 Similarly, the local governments and the Waste
17 Board need to sit down and look at specific generator
18 sectors and how are we best going to reduce the waste and to
19 divert material in those sectors.

20 Fourth is I think there needs to be a greater
21 focus on commercial-industrial sector recycling.

22 As was mentioned, there's been a lot of work done
23 in the residential sector in terms of the curbside
24 recycling, but where local governments are gonna get the
25 most bang for the buck is gonna be in the

1 commercial-industrial sector.

2 If we want to make recycling -- if we want to make
3 achieving the 50 percent the most cost effective, we really
4 need to be focusing our attention on where we're gonna get
5 the most bang for the buck.

6 City of Los Angeles did a lot of work before it
7 developed its program in terms of looking at where is waste
8 being generated. They found that 20 percent of the waste
9 generators generated 80 percent of the waste.

10 And so the City of Los Angeles, in developing
11 their programs, is focusing its energy on trying to get the
12 most bang for the buck, and I think that's important as we
13 work towards moving from the 25 to 50 percent that we focus
14 our attention on those issues.

15 The fifth major issue that needs to be addressed
16 is in terms of the responsibility for meeting the 50
17 percent. I think everyone is aware that in 939 the local
18 governments has been placed on -- the responsibility has
19 been placed on local governments.

20 And we need to find ways to distribute that
21 responsibility in terms of making other folks participate in
22 the process.

23 One aspect or one area is generator responsibility
24 in terms of finding ways to get generators to take
25 responsibility for reducing their waste.

1 Certainly there's education type efforts in terms
2 of getting generators to change, but there's also efforts
3 that local governments can do to take, to make regulatory
4 initiatives that will get generators to take more
5 responsibility for the waste they generate.

6 The good example of that is in San Diego County
7 the mandatory recycling ordinance that was established.
8 Here's an ordinance where the County didn't establish a
9 specific program, rather they established a policy saying
10 that these designated recyclables are not going to be thrown
11 in the waste stream. These designated recyclables have
12 markets and that they allowed the businesses and residences
13 to basically solicit programs to divert those materials.

14 So in that manner the City has -- the County has
15 taken its responsibility in terms of achieving 939 and
16 transferred some of that responsibility to the generators in
17 terms of making sure that they make an effort to reducing
18 waste.

19 Similarly we need to look at manufacturer
20 responsibility.

21 The fact is, as I had mentioned, in terms of the
22 issues of resource costs and the environmental impacts, we
23 need to find ways to get the costs of waste management to be
24 transferred, to be internalized in the cost of products.

25 Right now all of waste management costs are

1 externalized in the sense they're paid by their residential
2 and business rate payer.

3 We need to find ways to get those costs to be
4 incorporated into the cost of the products such that when
5 someone goes to the store and makes a purchasing decision,
6 they're given the economic price signal in terms of making
7 sure that the products that they buy are gonna be -- are
8 going to fit into the waste management system that's being
9 developed.

10 That is, that the cost of those, of that service
11 is gonna be factored into the cost of the products and,
12 secondly, that the choice in terms of whether someone
13 purchases a recyclable product, say, versus a nonrecyclable
14 product, that that type of signal is provided to the
15 purchaser so that they make the right decision, the right
16 purchasing decision, such that materials are produced in a
17 recycled content package or a recycled package and therefore
18 fit into the waste management system.

19 Sixth is the issue that -- sixth major issue that
20 the Board needs to address is the issue of accurate and
21 up-to-date information.

22 Things are constantly changing and I think a lot
23 of the folks that have spoken thus far have raised the issue
24 of needing more examples, needing examples of what works,
25 what doesn't work.

1 And I think it's really important for the Board
2 to, as folks start reporting how they have complied with 25
3 percent, to start looking at what is working in California,
4 what isn't working and what do we need to achieve the 50
5 percent requirement.

6 I think the Board has been a little bit of gun shy
7 in the sense of not wanting to dictate to the local
8 governments what types of programs to implement. And I
9 understand that.

10 I think it's appropriate that AB 939 was written
11 to give flexibility to local governments to decide how they
12 implement programs, but at the same time the Board shouldn't
13 shy away from providing at least advice to local governments
14 in terms of these are, this is what is working, this isn't
15 working, and providing that kind of information to local
16 governments so they can make a more informed decision.

17 I think there's a lot of big cities that have the
18 kind of expertise and are able to do that, but some of the
19 smaller cities that doesn't have a full-time recycling
20 staff, they are not in a situation of being able to
21 evaluate, say, what are the cost aspects of a curbside
22 program.

23 And so anything that the Board can do in terms of
24 trying to help provide those examples, to provide that kind
25 of technical expertise in terms to assist cities in

1 developing those programs, I think is important.

2 And the final major issue that I think needs to be
3 addressed is in terms of making sure that as we implement
4 programs we also recognize that we don't lock up the waste
5 stream in terms of landfills and transformation facilities.

6 It's important that not only in order to meet the
7 25 and 50 percent, but in terms of maximizing, ultimately
8 maximizing the amount of waste reduction and recycling that
9 occur, that we allow for the programs to develop and that we
10 don't commit ourselves to waste disposal options which are
11 ultimately going to undermine our ability to maximize waste
12 diversion in the future.

13 And with that, those are the major issues that I
14 wanted to raise.

15 I think we certainly will be providing more
16 detailed comments in terms of specific programs that the
17 Board are currently doing and things that we think the Board
18 needs to do in the future.

19 I simply want to close with a couple of points.

20 I think it's important for the Board to make
21 itself an advocate for achieving 50 percent. All of the
22 Board members thus far, I think, have demonstrated a
23 commitment to the 50-percent and I think it's important for
24 the Board to maintain that.

25 I kind of liken the example of smoking, certainly

1 waste management and smoking aren't the same thing, but the
2 Department of Health Services has been an incredible
3 advocate for getting folks to stop smoking. I think it's a
4 role that the Board needs to play in terms of being an
5 advocate out there for getting the kind of changes that we
6 need and truly being an advocate for not only meeting the
7 diversion goals, but maximizing waste reduction and
8 recycling.

9 And finally I wanted to say, I hope in this
10 process what comes out of this is an ongoing process and not
11 simply be the production of a report that ultimately sits on
12 a shelf somewhere.

13 I think for us to achieve the 50 percent we need
14 to continue in this dialogue. We need to continue
15 soliciting input and following up to make sure that the
16 strategies that we lay out we actually follow through in
17 implementation.

18 Mr. Relis helped put together a couple years ago a
19 market development action plan and the Board has moved
20 forward on a number of those items.

21 And I think it's appropriate for -- if we develop
22 action items that the Board makes sure that it follows
23 through and ultimately undertakes the actions that we come
24 up with.

25 With that, I will close. And if you have any

1 questions I'd be happy to answer them.

2 BOARD CHAIRMAN PENNINGTON: Thank you, Mr. Best.

3 Okay. Thank you very much.

4 Our next is Melissa Stangl.

5 And she'll be followed by Norm Ploss.

6 MS. STANGL: Hi. I'm Melanie Stangl, representing
7 the City of Oakland today. It was close enough.

8 And I'd first like to thank the Board for giving
9 us the opportunity to come here and provide our comments. I
10 think this is a great forum for us to let you know what we
11 need in order to meet the goals and what we think you should
12 be doing. And I look forward to seeing the outcome of these
13 workshops and what happens from them.

14 I'd like to reiterate probably a lot of what
15 you've heard already today.

16 One, in order to meet 50 percent, commercial
17 recycling we really need to go after it aggressively.

18 I think that it's particularly important in the
19 urban areas, but I think it's probably going to hit in the
20 rural areas as well.

21 And some of the ways that I think that you can do
22 that is to provide assistance to us in this area and also to
23 provide the noncompetitive grants.

24 You've seen from the used oil how much attention
25 has been focused on that and how much we've been able to

1 divert.

2 There's a lot of attention on used oil statewide
3 and there's been a lot of great programs through your
4 noncompetitive grant process. I think that's one way that
5 you can help spur and foster commercial recycling and help
6 us with getting those materials out of the waste stream.

7 Another program that I think has been very
8 successful was the waste education, waste prevention
9 education grant.

10 In the Bay Area you're probably aware the
11 Association of Bay Area Governments is coordinating a
12 shop-smart campaign for the entire Bay Area for January and
13 I think that's another way of allowing, giving us some tools
14 to do it and an overall framework of what to do but giving
15 local jurisdictions the -- letting us set up our own
16 programs and what we think is going to work best.

17 Some other programs that are crucial are the zones
18 program. They desperately need your support to make it
19 business friendly.

20 And business assistance, it's been a very
21 successful program thus far, but I think we need to continue
22 that and keep going with it.

23 Recycled product procurement programs.

24 And just finally assistance to local agencies,
25 such as getting the systems on base closures in Oakland.

1 There is a base that's going to be closing and we've been
2 working, talked with some of your staff about trying to make
3 sure that we recycle as much as possible from the demolition
4 of those buildings and reuse is a key to that.

5 And finally I'd just like to say that the cost
6 effectiveness of programs is key in the local agencies.
7 When we go to our councils to ask for program, cost
8 effectiveness is key and I appreciate that you're looking at
9 that and considering that as we're reaching 50 percent.

10 Thank you.

11 BOARD MEMBER CHESBRO: I have one --

12 BOARD CHAIRMAN PENNINGTON: Mr. Chesbro.

13 BOARD MEMBER CHESBRO: I just wanted to, in case
14 you didn't know, let you know that -- and others in the
15 room -- the zone program needs to be reauthorized
16 legislatively next year if it's going to continue to receive
17 the funding.

18 It would continue to exist with the previous
19 funding recycling, but continue to contribute 5 million more
20 new dollars every year will depend on reauthorization, so
21 we'll need a partnership for that effort too.

22 MS. STANGL: We're very supportive of that, I'm
23 sure you're aware.

24 BOARD MEMBER CHESBRO: Want to make sure you're --
25 whoever your legislative representatives are fully aware of

1 the importance of that program and others who may be here
2 that are concerned about that.

3 BOARD CHAIRMAN PENNINGTON: Any other questions?

4 Thank you.

5 MR. PLOSS: Thank you. Good morning. My name is
6 Norm Ploss. I'm the environmental services engineer for the
7 City of Fremont. Formally integrated waste management
8 engineer, now been redirected into a new department.

9 And I'm also the executive director of a small
10 Joint Powers Arrangement for the Cities of Fremont, Newark,
11 and Union City for the disposal of solid waste.

12 Last September in the year preceding, the City of
13 Fremont went through a competitive process where we
14 reexamined the franchising arrangement that we had and in
15 that competitive process we saved the residents of Fremont
16 approximately three and a half million dollars a year in
17 garbage recycling and yard waste collection services over
18 the second highest bidder.

19 In that succeeding 12-month period we've now
20 turned a program which was initially at about 22 percent
21 diversion in the residential sector to about 51 percent for
22 that first 12 months.

23 Now, of course, we got a big boost by being a
24 brand new program and we're seeing some waffling at this
25 time. The last three months' diversion has drifted down

1 just a little bit.

2 In franchising we decided that we would leave the
3 commercial-industrial sector for recycling as a free and
4 open competitive market and encourage all major competitors
5 to be commercial recyclers in our market.

6 Lately in trying to keep the program invigorated I
7 was reminded to see a section out of Vice President Gore's
8 book on the environment that mentioned Durham Road Landfill
9 in Fremont.

10 It was some testimony before one of his
11 subcommittees that Professor Rathgee pointed out that the
12 Durham Road Landfill was five times the size of the Sun
13 Temple, which was the largest manmade structure in western
14 civilization.

15 But what I've taken to remind folks is that since
16 that writing and since that testimony, even with programs of
17 the '90s, the two mounds of the Durham Road Landfill have
18 been joined, we've given it a 50-foot height increase and
19 it's now going to head towards ten Sun Temples.

20 We're also, and Alameda County is abundantly
21 represented here today, we're also now turning our attention
22 to commercial and industrial waste stream.

23 In Fremont 30 percent of the waste stream is
24 residential, 70 percent is commercial-industrial.

25 And of that commercial-industrial waste stream, 80

1 percent are small businesses. Therefore, they make up over
2 half of the total waste stream.

3 And unlike residential programs where the
4 residents are homogeneous, you can give them carts and bins
5 and have curbside arrangements and achieve great diversion,
6 the small commercial businesses are not homogeneous and
7 we're finding great difficulty in finding ways to reach
8 those small businesses and attract them into the program.

9 We've been very successful with the Waste
10 Reduction Awards Program. We have a number of our major
11 manufacturers who have been winners of that, including our
12 largest industrial concern, which is New United Motors.

13 One of the things that we've recently done and
14 there's been some interest amongst Board staff members, we
15 initiated a program which we called the Ideas Forum and
16 we've invited businesses we have, run a series, we're
17 running a series of seven of these Ideas Forums.

18 We're about to enter our seventh and final one at
19 the end of which we will produce a resource document which
20 will help us towards commercial and industrial recycling.

21 And one of the things that we found is that we do
22 not have a prescription, that it is much more difficult to
23 plan for commercial-industrial recycling that we might have
24 ever guessed and that we do need help.

25 As a result of this, I'm proposing to my superiors

1 that I modify one of the service objectives that I
2 cavalierly develop a commercial-industrial recycling plan
3 and prescription by this upcoming spring, and in lieu of
4 that undertake some other things.

5 One of the things that we're going to propose
6 would be a summit meeting of commercial-industrial recyclers
7 who service Alameda County and in particular I want to
8 target southern Alameda County and the Fremont area to meet
9 my needs.

10 In terms of assistance and leadership that the
11 Board could provide, one of the greatest ones would be
12 outreach to businesses, including most effective methods of
13 outreach.

14 It's very difficult to attract businesses,
15 particularly small businesses-who are not going to have
16 recycling staffs available to participate in the programs.

17 And on my daily job as I leave the office building
18 and run through the gas station I see lots of green waste,
19 lots of cardboard, lots of paper coming out of a gas station
20 into the garbage, into the waste stream on its way to the
21 landfill.

22 Another thing that we could definitely use is I
23 find that the source reduction recycling element developed
24 in 1990 is now sorely out of date.

25 I could use technical assistance to identify waste

1 streams in southern Alameda County, particularly Fremont to
2 be targeted.

3 I could also use commercial-industrial planning
4 assistance.

5 Finally, I'd like to have some leadership from the
6 Board in identifying programs that work, and you've heard a
7 fair amount of testimony about that today.

8 I'd like to say one thing about cost
9 effectiveness.

10 Another one of my duties in Fremont is to develop
11 a integrated waste management facility and we've looked and
12 developed three now master plans for transfer station,
13 household hazardous waste drop-off, green waste drop-off and
14 possibly material recovery facility.

15 We're now going to seek our fourth site. Site
16 acquisition and identification is, of course, one of the
17 most difficult steps in any facility development.

18 But as I've included that material recovery
19 facility in the master plan process, I've become very
20 suspicious of its cost effectiveness and am seeking unknown
21 future means to help me achieve 50 percent.

22 I'll be glad to answer any questions.

23 Thank you.

24 BOARD CHAIRMAN PENNINGTON: Any questions? Okay.

25 Thank you.

1 Next we have Peter Blake and he'll be followed by
2 Matt Cotton.

3 MR. BLAKE: Good morning. Thank you for the
4 opportunity to speak to you today.

5 My comments -- my name is the Pete Blake. I'm
6 from Helabilt Environmental, which is in Sonoma County,
7 Santa Rosa. If you're familiar with that area it's a rural
8 county with some urban centers.

9 BOARD MEMBER CHESBRO: What's the name of the
10 company again?

11 MR. BLAKE: Helabilt Environmental.

12 BOARD MEMBER CHESBRO: I'm sorry. One more time.

13 MR. BLAKE: Helabilt.

14 BOARD MEMBER CHESBRO: Helabilt.

15 MR. BLAKE: My comments today are gonna be
16 directed at household hazardous waste, small quantity
17 generator business and the discretion grant program that
18 your Board supports.

19 The potential impact of hazardous waste on any
20 ordinary landfill is significant enough to provide great
21 impetus in that direction.

22 And I think that solid waste diversion efforts to
23 date have included most of the obvious answers to the larger
24 problems that we're facing.

25 Like any business now, you're going to have to go

1 after marginal customers, the people for whom diversion is a
2 lower priority than the people that you've already
3 contacted.

4 As mentioned, education is a real important part
5 of that effort.

6 But as a service industry I think that one of the
7 mightiest tools in your arsenal is that of convenience or
8 service. Much of the current success in diversion, I think,
9 can be laid at the feet of making diversion more convenient
10 for the people that are doing it.

11 Frequently greater convenience or greater service
12 equals higher costs, but there are times when you can
13 combine existing technology and methodology in a new way to
14 provide for lower costs. I think that future gains in your
15 50 percent diversion goal will be related toward increasing
16 convenience to your customers.

17 I'm currently in negotiation with Sonoma County to
18 provide toxic taxi service to residents and small quantity
19 generators in Sonoma County.

20 As most of you probably know, a toxic taxi is kind
21 of a generic term for a vehicle or a service that goes door
22 to door by appointment to pick up household hazardous waste,
23 small quantity generator hazardous waste.

24 It also tends to maximize the reuse option because
25 you get a trained sorter in on the process right away and it

1 provides for a great educational opportunity as you meet
2 with people one on one to deal with their hazardous waste
3 problems.

4 This service is going to be starting upon
5 completion of the permanent household hazardous collection
6 facility in 1996.

7 And in conjunction with periodic collection events
8 held around the county and the permanent facility, this
9 service will help provide the widest range of options for
10 Sonoma County customers.

11 I'd like to encourage the Board to continue to
12 support the household hazardous waste discretionary grants
13 programs which allow local jurisdiction to try new programs
14 designed to meet local needs.

15 -----There are at least two toxic tax proposals before
16 the grant program currently.

17 In response to your question about cost, the
18 Sonoma County program is designed to be self-supporting
19 after a start-up period and I submit that that might be a
20 consideration towards any grants that you approve, that some
21 priority be given to those programs that can be
22 self-supporting.

23 Thank you very much.

24 BOARD CHAIRMAN PENNINGTON: Thank you.

25 Any questions?

1 BOARD MEMBER EGIGIAN: Yeah.

2 Is there a charge for this toxic taxi going from
3 home to home?

4 MR. BLAKE: Yes.

5 BOARD MEMBER EGIGIAN: What do you normally charge
6 a home?

7 MR. BLAKE: Well, it will depend on whether we get
8 the grant or not, but it will either be 15 or \$20 for a
9 residence.

10 BOARD MEMBER EGIGIAN: Thank you.

11 BOARD CHAIRMAN PENNINGTON: Thank you.

12 Matt Cotton, please.

13 MR. COTTON: I'm Matt Cotton. I'm here today
14 representing the California Organic Recycling Council as
15 well as the newly formed California Compost Quality Council.

16 That sounds like two similar organizations. In
17 fact, one is somewhat of an offshoot of the other.

18 CORC is a statewide organics recycling
19 organization and was formed about, getting towards four
20 years now in response to the need and the development of
21 composting regulation. Since then it's grown and developed
22 into a larger, broader organization that focuses on green
23 waste, biosolids, MSW composting.

24 The Compost Quality Council you'll be hearing a
25 lot more about, I hope, in the next couple months. It's

1 somewhat of certification or labeling marketing
2 organization, trying to promote quality and consistency
3 among recovered organics projects across the state.

4 I have some real brief comments. I do appreciate
5 the opportunity to address the group this morning.

6 I really think traditional organics recovery has
7 lagged behind recycling in some of the traditional programs.

8 Because of the strong leadership the Board has
9 shown and some of the other parties have shown, I think the
10 organics industry is really poised to assist in meeting and
11 in fact possibly exceeding the 50 percent goal. And I think
12 that strong signal that the Board has sent in terms of
13 having a strong goal, have regulatory certainty, as well as
14 the market development signals that have been sent, have
15 really benefited the industry as a whole. --

16 And the growth, the tremendous growth that is
17 occurring and you're about to see is going to go forward
18 provided we continue that course.

19 To borrow a phrase from an earlier administration,
20 stay the course four more years. I think we're doing quite
21 well.

22 The explosive growth of facilities around the
23 state, as well as the amounts of material moved around, can
24 give anybody the impression that that industry is taking off
25 quite well.

1 In fact, to a certain extent we're not here to
2 talk about what's needed so much as thanking you for the
3 programs that are out there. I think continuing the support
4 for the agricultural demonstration projects, market
5 development projects, regulatory streamlining, composting is
6 an excellent example of where that's worked quite well.
7 We've got the regulatory certainty that facilities are
8 developing.

9 We've taken those first little steps to bridging
10 the gap between the urban and the agricultural markets. We
11 need to continue doing that. I'd like to see continued
12 support of the nascent Compost Quality Council, which again
13 you'll be hearing more about in the next couple years.

14 And continued regulatory streamlining, I think
15 it's worked quite well in composting. I hope it can work
16 well in other aspects of the business.

17 But I think people are in general very pleased
18 with the process that's resulted. We have come up with
19 regulations that give clear guidance and facilities are now
20 moving ahead after somewhat of a waiting period.

21 So with that, all I can really say is I think
22 organics is doing well, keep doing what you're doing and do
23 more of it.

24 Thank you.

25 BOARD CHAIRMAN PENNINGTON: Thank you.

1 Any questions?

2 BOARD MEMBER GOTCH: I have a quick question.

3 BOARD CHAIRMAN PENNINGTON: Yes.

4 BOARD MEMBER GOTCH: Mr. Cotton, you have any
5 ideas on how we can assist with public education of compost,
6 utilizing compost?

7 MR. COTTON: I think the agriculture demonstration
8 projects have taken that first step and that's an excellent
9 step to take the first piece which is, you know, it's really
10 a very complex -- it's a much more complex business than
11 recycling other commodities and perhaps that explains why
12 it's lagged so far behind.

13 When you're recycling aluminum there's not a lot
14 difference which plant you bring it to how it melts and what
15 they turn it into, there may be some variation.

16 But with compost we're talking about getting it to
17 specific crops, specific usage. There's a lot more that
18 needs to be known that are crop to crop, different seasons,
19 different soil types around the state.

20 We've got eight of the ten major soil types that
21 exist in the world in California, so there is going to be
22 some variation as to just how well compost works.

23 Unfortunately, again, it's not going to work
24 overnight. What works -- it doesn't work at first
25 necessarily. It's not -- the results you get aren't

1 necessarily going to show up in the first year. We need
2 commitment to longer term projects that will show the
3 benefits and other aspects of using compost in a soil over
4 time.

5 Generally you see much better results over three
6 years, over five years, increasing organic matter,
7 decreasing energy and water use and higher yields as well.

8 So I think a longer term. I think the first
9 agriculture demonstration projects have gone for two years
10 now, going into that third year, to expand that into a
11 five-year project would be great.

12 One great area of growth which I testified before
13 some folks in Alameda County about last week is that the
14 public sector really has gone -- with the exception of one
15 major player, has done a fairly subdued job of using
16 composting, demonstrating that use in municipal projects.

17 I think it's clear we want to focus on the
18 agricultural sector, but it doesn't mean we want to abandon
19 the horticulture sector, that is local projects.

20 Maybe the first thing you do is give CalTrans an
21 award for the excellent job they've done using mulch in
22 landscape projects. They're on the right track. They're
23 doing more and more work. They've amended their spec to
24 allow the use of recovered green waste and wood waste
25 materials along highway medians, et cetera. They're

1 disseminating this information around their various
2 districts and a lot of material is moving.

3 To a great extent, I heard John White earlier talk
4 about how the markets wildly fluctuate. The same has been
5 true with organics with the demise of the biomass plants the
6 last couple of years. We had to find a home for a lot of
7 wood waste and CalTrans has done an excellent job to help
8 use up some of that material in a very creative, cost
9 effective and hopefully demonstratable way for mulch,
10 erosion control and to a certain extent storm water
11 filtering. There's a neat project going on with that as
12 well.

13 So the biggest -- I really think the biggest issue
14 with that is disseminating some of this great information we
15 have out there. A lot of people are aware of the
16 agriculture demonstration projects, you know they're going
17 on, don't know the great results that are out there, so
18 really got to get that out there.

19 Do more of them. Do them with different crops,
20 longer term and get the public agencies to use and specify
21 recycled products in terms of organics, whether it be as a
22 mulch, erosion control, compost they use. The decrease in
23 pesticides is something every local agency is supposed to be
24 working on.

25 Probably a long answer to your question.

1 BOARD MEMBER GOTCH: That's a good answer.

2 BOARD CHAIRMAN PENNINGTON: I think Mr. Relis has
3 a question.

4 BOARD MEMBER RELIS: I'd be interested in with
5 respect to the compost demonstration, specifically.

6 As you know, we are in the second year and we
7 extended the program by a full year to respond to the
8 cooperative extension people saying that we needed that
9 third year. And one of them will have four years of
10 results.

11 At this stage we're not planning to extend those
12 programs or we certainly don't have the money at this point
13 to broaden the number.

14 So I'd be very interested in CORC's response to
15 the status of the project and some evaluation of results,
16 since results are still coming. We're not going to have
17 full results in most cases for at least another full year.

18 So we need to begin to assess what do we do with
19 the program. Has it run -- will it have run its course and
20 we'll get the results we need, can we piggyback on other
21 programs? I'm not sure.

22 MR. COTTON: I think the answer to that is both.
23 Certainly some of the programs, I think the results you'll
24 see will be worth expanding.

25 I think clearly we have, CORC has already

1 initiated partnering with different groups. We're putting
2 together a demonstration with the Composting Council on a
3 water hyacinth composting project, which will have some
4 aspects of agricultural demonstration as well.

5 There are a lot of other programs working with
6 exactly to bring in other funding sources to do similar yet
7 different work, different crop types, different longer
8 cycles, different focuses.

9 There's a huge interest in understanding how
10 compost or other organic products can, to the extent that it
11 can, replace methylbromide, which is being phased out,
12 hopefully, which is something that a lot of crops,
13 strawberries, grapes, crops that are of great importance to
14 California, need to replace and find something to use
15 instead.

16 We think there's a lot of hope for organics in
17 that.

18 And there are wider programs, USDA, the Sare
19 program, some of the more national programs that will bring
20 in some funding for those types of demonstrations.

21 So again I think the answer is both.

22 Certainly we would support more and better funding
23 for different projects along the same lines.

24 But, no, the projects that are out there are great
25 and to the extent we can help you develop and support those

1 more we will and bring in more funding.

2 CORC, just to throw in a quick commercial, CORC
3 has broadened its focus a lot since most of us were in this
4 room arguing about the green waste composting regulations.
5 We recently brought in a new board of directors, a new
6 focus. We're really broadening into the entire organic
7 stream whether that be wood waste, green waste, sewage
8 sludge, the industrial waste, the food waste, all sorts of
9 things on that.

10 BOARD CHAIRMAN PENNINGTON: I believe that
11 Mr. Chesbro has a question.

12 BOARD MEMBER CHESBRO: I can't let you go yet.

13 This overlaps a little bit with Mr. Relis'
14 questions and comments.

15 I had a chance yesterday to go down to Hollister,
16 a field day there, and to see 40 to 50 farmers and
17 composters together talking up a storm, very excited about
18 things and observing the results of the projects really is a
19 terrific thing and I hope all the Board members get a
20 chance.

21 I know Mr. Relis has done this, but I think other
22 Board members haven't had a chance and it's really quite
23 inspiring.

24 The one thing that came up that I would be
25 interested in your comment about is any observations about

1 agricultural regions that we have neglected. We've sort of
2 clustered our projects and there's two major areas that were
3 mentioned to me yesterday, there may be more that I haven't
4 thought of, but the Sacramento Valley and Imperial Valleys
5 both are major growing regions that we have yet to penetrate
6 with these demonstration projects. Yet we are doing a fair
7 cost on the Central Coast and in the San Joaquin Valley of
8 getting this off the ground.

9 Do you have any observations or thoughts about
10 whether or not, for example, the information is
11 transferable? Do we need to consider doing some additional
12 projects to cover the regions we haven't or just take the
13 information that's been generated from the existing projects
14 and try to transfer them somehow to the regions that we
15 haven't reached?

16 MR. COTTON: I got to start coming up with a
17 better answer than both.

18 I think you do. I think you need to, to the
19 extent possible, transfer that information across.

20 Unfortunately, because of the different regions,
21 the different aspects, the different farming practices, it
22 may not be as transferable as we like to think.

23 I think particularly in the Imperial, the southern
24 central San Joaquin, the issue may be much more on water
25 savings and energy savings as much as it will be on organic

1 matter content and increased crop or water use, et cetera.

2 So I think we should focus on those areas. There
3 are probably others that have been somewhat neglected.

4 I think it has more to do with the higher value
5 crops were smart to start on, they're going to be more
6 likely to handle the material given where we are now, but
7 again I think some of the interesting projects we're seeing
8 and the growth of the projects we're seeing, it's going to
9 happen either way.

10 I really believe that we're starting to get up to
11 the volume where agriculture is going to see this great
12 opportunity to use the stuff. The trends are all pointing
13 that direction.

14 To the extent we can show them how it works
15 sooner, better, faster certainly.

16 But it's already happening. Some of the projects,
17 lot has been said about the CRR, too many Rs in there,
18 Community Recycling Project, they're poised to be moving
19 huge amounts of compost into the Central Valley and doing
20 some -- to a great extent the industry is taking on some of
21 the demonstrations by itself. To the extent the Board can
22 help out with that, great, but it's going to be happening
23 either way.

24 BOARD MEMBER CHESBRO: Then I have one other
25 comment and that is I hope you come back this afternoon,

1 because we're going to be having a discussion about
2 regulations and I think there's a contrast between different
3 approaches to regulatory reform. One is sort of more
4 oriented towards the number of pages and I think that the
5 reducing the volume of regulations and I think the compost,
6 tiered composting regs demonstrate that you can get a better
7 product sometimes by adding a greater number of regulations
8 that more clearly define distinctions between different
9 activities.

10 And that's one of the dilemmas we're facing in the
11 regulatory reform process and so I hope the compost
12 perspective is represented in that discussion.

13 MR. COTTON: Thank you.

14 BOARD CHAIRMAN PENNINGTON: Thank you.

15 Mr. Michael Rock, followed by Lowell Patton.

16 MR. ROCK: Thank you. My name is Michael Rock
17 with Yolo County Public Works.

18 I'd just like to say that about five years ago
19 when all of this first started and the Waste Board was
20 organizing its different sections, a lot of us in the field
21 had a certain vision of what Local Assistance Branch would
22 do.

23 In talking with other county and city recycling
24 professionals and solid waste managers and there's a couple
25 of things that we feel, Yolo County in particular and some

1 other counties, that the Local Assistance Branch could do
2 that it really hasn't done.

3 And one of those things is to function as the sort
4 of state recycling coordinator type where the Local
5 Assistance Branch would understand very thoroughly the rest
6 of the Waste Board's functions, the different sections, what
7 they do, and that way the local recycling coordinators could
8 go to their local assistance representative and say we need
9 help with rural curbside recycling programs, we need help
10 with agricultural composting, we need help with whatever the
11 issue might be.

12 That Local Assistance State employee could then go
13 to the rest of the sections within the Waste Board and say,
14 well, this is what the local professionals need help with,
15 and hook up the right people with the right people.

16 We don't need, you know, a half a dozen local
17 assistance reps, we need one who can then go back to the
18 Board and try to find out what those answers are for local
19 government.

20 And with that, I'm a little disappointed that some
21 of the Local Assistance Branch personnel aren't here,
22 because that's who I deal with every day, that's who I talk
23 to, and I'd really like them to hear this discussion so they
24 can see the dynamics of a verbal discussion, so they know
25 what local government needs and what they feel.

1 They have rarely come to our waste advisory
2 committee meetings. They have rarely, you know, sat down
3 with us one on one and said what do you need.

4 They know what our shortcomings are in our
5 planning documents.

6 I think what some of the others before me said
7 about number crunching and those kinds of things, I think if
8 we look more at implementing programs and if we do
9 everything we can to do that and our documents reflect those
10 programs and we go out and we implement all of those
11 programs and we still for some reason don't meet the magical
12 45. something percent number that's the minimum in
13 compliance, then maybe there should be a hard look at, you
14 know, did they do everything they could do, and if so isn't
15 that the intent of AB 939, isn't that what a mandated goal
16 really means? I think there's some merit to that,
17 especially for rural counties like ours.

18 We have 20,000 people spread out over thousands
19 and thousands of agricultural type environment and it's very
20 difficult when you don't have curbs to have curbside
21 recycling.

22 It's very difficult to create a market for
23 materials when people are spread out over a huge
24 agribusiness type farms.

25 And I would agree with what Trinity County said

1 about some kind of population density formula. I think that
2 would serve rural communities well.

3 I would also like to say in closing that we've
4 been very thankful and happy that the Waste Board has been
5 real aggressive with oil recycling grants, with household
6 hazardous waste grants. We've benefited a great deal from
7 those, those type of activities.

8 And tire recycling grants. As you probably know,
9 we're doing some experiments at our landfill with the use of
10 shredded tires.

11 We're also doing an experiment, the CEC project,
12 as far as recirculation and those kinds of things and the
13 Waste Board has been very helpful in getting those kinds of
14 research activities underway and helping in those other
15 areas.

16 Thank you.

17 BOARD CHAIRMAN PENNINGTON: Thank you.

18 BOARD MEMBER CHESBRO: Are you familiar with our
19 enforcement policy? Have you taken a look at it?

20 If you aren't I would encourage you to, because I
21 think some of what you've asked for we have -- and we may
22 not have done it right or done it enough, but we're here to
23 hear feedback of course, but I think you need to look at the
24 way we've attempted to provide some reassurance to local
25 governments that the first and most important criteria is

1 good faith implementation of those programs. That's what
2 we're putting ahead of the question of the percentage
3 compliance question.

4 And it's not that -- doesn't completely eliminate
5 or discount the percentage compliance, but certainly the
6 most important factor that the Board is going to take into
7 account is implementation of programs.

8 MR. ROCK: I guess for me the real frustrating
9 part is being the only staff person it's extremely difficult
10 to do all the household hazardous waste, small quantity
11 generator, you know, public education and promotion,
12 disposal-based reporting, siting element and summary plan.
13 I have to do all that and I don't really have any staff
14 support to do that.

15 So when I spend what little time I have trying to
16 figure out whether we're at 44.9 or 44.5 or whatever
17 percent, and I get real uptight about, you know, I could be
18 out there doing, you know, public education and promotion in
19 real rural areas of the county.

20 And so it becomes a very difficult choice of
21 figuring out how to spend my time.

22 And I know that other rural counties like Butte
23 and Trinity, we've talked about that.

24 And I guess that's really the frustration that I
25 want you to understand when there's limited staff and we're

1 still trying to comply with all the same laws that larger
2 jurisdictions that have 20 or 30 people on staff are doing.
3 We still have to do all the same work they have to do as far
4 as regulations and compliance. We have less people to deal
5 with, but we still have to go through all the same motions,
6 all the same planning documents, and we do it with a lot
7 fewer people.

8 BOARD MEMBER CHESBRO: Thank you.

9 BOARD CHAIRMAN PENNINGTON: Thank you.

10 Mr. Patton. Then Larry Sweetser.

11 MR. PATTON: My name is Lowell Patton. I'm a
12 representative from the City of Winters. I'm the recycling
13 coordinator half time.

14 Thank you for the opportunity to speak.

15 I'm really happy to see Trinity County here today,
16 because I spent 17 and a half of my first 18 years of life
17 in Trinity County.

18 And I thought of something when she was talking
19 that will just shatter your idea of what rural communities
20 are.

21 When we lived on our grandparents' ranch for about
22 ten of these years, we used to ride along the road, Highway
23 3 in Heyfork, picking up aluminum cans in saddlebags when
24 we'd go along riding on the road, and if you can picture
25 eight-year-old kids for money picking up saddlebags, picking

1 up aluminum cans, putting them in their saddlebags and
2 whenever we go to Redding to pick up groceries we dump them
3 off. And contrary to popular belief I can remember 20 years
4 ago. That was just about 20 years ago.

5 I just wanted to say that as a half-time recycling
6 coordinator in Winters, to piggyback what Mike said, a lot
7 of -- so much of my time is spent reactive rather than
8 proactive, because of fear of the Waste Board, that I really
9 don't feel like -- I feel like I'm just like a rat running
10 through a maze and I can't decide which way I want to turn.
11 I just have to go that way, because that's what the good
12 book, this SRRE says.

13 And I don't think that that is necessarily wrong.
14 It's just that right now we're actually in a good position
15 ~~and it's fortunate for you guys that you had the workshop~~
16 now and not two or three years ago because I just felt like
17 there was just such a moving target for the first -- well,
18 for last three years, you know, disposal or diversion.

19 And I know that in general in the big scope of
20 things that switching to disposal-based accounting it will
21 benefit us as far as tracking and the lack of having to
22 track a lot of little things and being held accountable for
23 it, but that switch really, you know, about a year we were
24 arguing about it for six months and then we were arguing
25 about how we were going to do it for about a year, and

1 finally we're to the point where, you know, we really feel
2 like I just got my first two quarterly reports from Yolo
3 County Central Landfill on what my disposal there actually
4 is.

5 And I think that it's great now that we do have
6 some consistency. I don't think that there's been a lot of
7 consistency in the past.

8 And also as far as local government, the local
9 support issue goes, I really think that rather than in
10 quantity increase the amount of support to local government,
11 if the quality could be increased along the lines of
12 education, I know that -- and Elliot is sitting over
13 there -- I know that for about six months I was having to
14 deal with whether or not three years ago we had filed the
15 ~~appropriate environmental review of our SRRE. And it was a~~
16 real headache for me and I really couldn't hardly do
17 anything for at least three weeks of that six months except
18 for worry about whether I was going to have to go back to
19 council and get on a new time line and get on this other
20 time line and have my document reviewed in a different way
21 just because of something that I considered in the end a
22 relatively simple solution.

23 But the thing about the number crunching is that
24 my -- the other half time of my time is as a civil engineer
25 for the City. And so I understand number crunching as well

1 as anybody does.

2 When we design ditches or we design detention
3 basins, we always put that one foot of freeboard in there as
4 a factor of safety that if you were mildly wrong you'll be
5 okay. If you're really wrong, you know, bad things are
6 going to happen.

7 But I think that the fact that if we can take you
8 at your word and you will transmit that to your whoever the
9 policy review and the SRRE review people are, that if I do
10 everything in my power to fulfill all the obligations in
11 that SRRE and I make 24 percent this year or 45 percent in
12 2000, whatever, that then takes a load off of my mind. It's
13 just that I've never really felt confident that that -- when
14 the time came, when the time came to decide that that would
15 be the case, because I hear it said a lot and I see it
16 vaguely in policy, but I don't still really feel like it's
17 there.

18 But anyways, that's enough of my time.

19 So thank you.

20 BOARD CHAIRMAN PENNINGTON: Any questions?

21 BOARD MEMBER CHESBRO: Thanks.

22 BOARD CHAIRMAN PENNINGTON: Thank you.

23 Mr. Sweetser.

24 MR. SWEETSER: Larry Sweetser, director of
25 regulatory affairs for Norcal Waste Systems.

1 I'll be brief. I don't -- I want to let everybody
2 know we appreciate the efforts of the Board has put into
3 this reality check into the process. I think it's a good
4 time for it, especially prior to the end of this year where
5 it all really counts.

6 I think to your credit you put in a lot of
7 programs that assists a lot of us there, both on the public
8 and the private side, and it's been fairly open process and
9 generally there is an opportunity to input in ahead of time
10 to come out with the programs that work.

11 For those of you that already know, and the ones
12 that don't, the Norcal foundation in solid waste management
13 is on public-private partnerships. We have demonstrated
14 that can work and we have done that for quite a long time.

15 We have quite a bit of history in solid waste
16 management dating back to the turn of the century addressing
17 solid waste management and recycling needs.

18 We had the first MRF that was permitted in
19 California up in Yuba-Sutter. Many of you have seen it.

20 We also have the latest one in western Placer.

21 Both are designed to fit the local circumstances
22 and I think that's critical in the process, is looking at
23 things that work.

24 For those of you that are interested, be glad to
25 offer tours and always have been to show you what actually

1 happens out there.

2 So I think it helps when the Board can illustrate
3 those kinds of examples that are out there working, the real
4 world successes, and that kind of information continues on
5 out there.

6 It's encouraging on Mr. Chesbro's report as far as
7 the success of the plans, what people are attempting to do
8 out there.

9 And also the demonstration, I think it really
10 demonstrates the commitment of local government and business
11 to achieving 939.

12 And I think that this reality check time we need
13 to look at those plans versus programs and sort of -- also
14 have to take an assessment of the reality road blocks of the
15 things that are out there, financing of the programs, the
16 market situation.

17 I think we've all proved that we can recycle, but
18 I think there's also a need to ensure what we know what
19 we're going to do with it once we do so.

20 I think there's almost a suggestion what may be a
21 good time to look at is that we've got a lot of good plans,
22 a lot of good programs out there, a lot of numbers on what
23 people are proposing to do, this might be a time to compare
24 those number with what the available markets are and see
25 what kind of situation we're going to end up with next year

1 as far as where we are with some of those plans going
2 through as proposed. I think that would be a good exercise
3 to go through.

4 I also think that this is not a good time to make
5 huge changes to AB 939. A lot of us are still trying to
6 understand and implement what's out there already.

7 As far as compliance with the goals I think it's
8 maybe we can sort of do what we need to do and make the
9 changes we need to to make that part work, but let's not
10 look at wholesale changes until we know exactly how good a
11 job we have done.

12 I also think, as opposed to an earlier speaker,
13 that it's a little too soon to be worrying about the other
14 50 percent.

15 I think we really need to look at what we're
16 actually doing in 25 and hopefully we can get out to the 50.

17 There is one concern I'd like to echo and I think
18 it's been adequately addressed many times, is the desire to
19 help that we don't put up road blocks to hinder the process.

20 There's been many of the tools you come up with
21 are helpful. We also need to ensure that they're fair
22 comparisons, that we're not looking at apples versus
23 oranges, that there's clear objectives for some of these
24 studies and that we acknowledge some of the limitations.

25 The most prominent example I can think of is the

1 collection cost model. When I initially heard about that I
2 raised a whole number of concerns on what the application of
3 that model would be to try and come up with a magic formula
4 on a computer that would take into account all the possible
5 variables dealing with collection of solid waste.

6 And after discussions with staff and actually
7 getting them out at 5:00 o'clock in the morning to look at
8 garbage collection in San Francisco, which has a lot of
9 those variables, they listened to us, they came up with some
10 concepts. I think they integrated that into the latest
11 model.

12 There's something out there that although it only
13 deals with a portion of collection, I think it's more
14 representative of a tool that's helpful than something that
15 can be used against people.

16 So I think that's a good example of part of the
17 process and I have seen that conveyed in other forums that
18 the Board has worked on as well and I urge you to continue
19 that sort of allowance of input into the process.

20 There was also an earlier point by a fellow
21 colleague on recycling and coming up with boilerplate
22 options.

23 I definitely don't agree with that one. I don't
24 think recycling is a pick-off-the-menu type of program.

25 Norcal itself we do recycling in all matters of

1 forms, all the way from source reduction processing, small,
2 large, transfer, safe disposal, the whole gambit. Some
3 people even accused us of conflict of interest of ourselves
4 with the types of programs that we do.

5 But we found from experience the programs that we
6 helped San Francisco establish don't work in Oroville.

7 We had to tailor our types of programs to the
8 needs of that community and I think that's something that
9 needs to be encouraged, not boilerplates.

10 By all means encourage people to look at things
11 that have worked that don't require them to commit something
12 that they're going to have difficulty with. They know their
13 situation quite well out there.

14 There was another point I need to address on the
15 ban issue.

16 From an operator's perspective, I don't see that
17 bans really help the recycling efforts much. I more look at
18 those as end up penalizing operators and trying to get
19 operators to enforce education efforts on people.

20 Bans essentially also result in significant
21 increases in litter from what I've seen and encourages
22 people to rather than throw it in a landfill or find other
23 ways to do it, they throw it along the side of a road.

24 There's rural places in this county, in this state
25 that can demonstrate that. I think we have actually seen

1 some of that in some of the Board's programs with 2136, what
2 people can do when they don't have the education or the
3 programs out there.

4 I think banning is something that should -- is
5 headed in the wrong direction. That's sort of back-end
6 logic to me and I think a lot of what the Board's emphasized
7 is education and alternatives and I think getting people to
8 understand why they shouldn't do that or find other ways to
9 do things is a far better process, because if you only
10 penalize them on the back end, you're not going to stop that
11 from happening, just encourage you to continue.

12 So work on preventing it from happening, not the
13 other way around.

14 Lastly, I'd like to end on sort of a note of
15 encouragement and reminding people, I'm sorry Sam is not
16 here right now, but there was a time when recycling was
17 worth it. And I throw this up again from yesterday.

18 That was a time when pre-drive-ins, pre-plastics
19 and all kinds of other things, but these people made it
20 work. They were out there. These are the founders of our
21 company back in San Francisco at the turn of the century.

22 They, early estimates are they did far more
23 recycling than 50 percent.

24 Maybe we can get to a time when recycling is out
25 there and maybe we can make these founders of the industry

1 proud of where we are at today.

2 Thank you very much.

3 BOARD CHAIRMAN PENNINGTON: Thank you.

4 Any questions?

5 Okay. That concludes the morning session. I
6 believe that's all the people that have signed up.

7 And I want to thank everybody for being here this
8 morning.

9 And I think we've received a lot of valuable and
10 good information. The staff will put it all together.

11 We have another session in Rancho Cucamonga on the
12 13th of November and encourage people in Southern California
13 to be there.

14 And we'll recess now until 1:00 o'clock and at
15 1:00 we'll start on the regulatory reform aspect.

16 Thank you.

17 (Thereupon the meeting was adjourned
18 at 11:45 a.m.)

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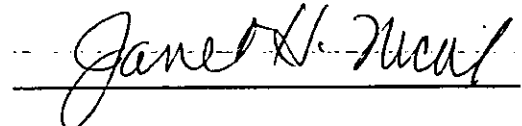
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8 I further certify that I am not of counsel or
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11 IN WITNESS WHEREOF, I have hereunto set my hand
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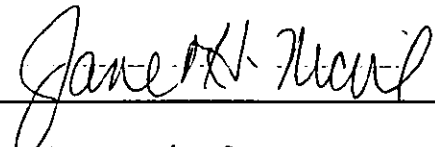
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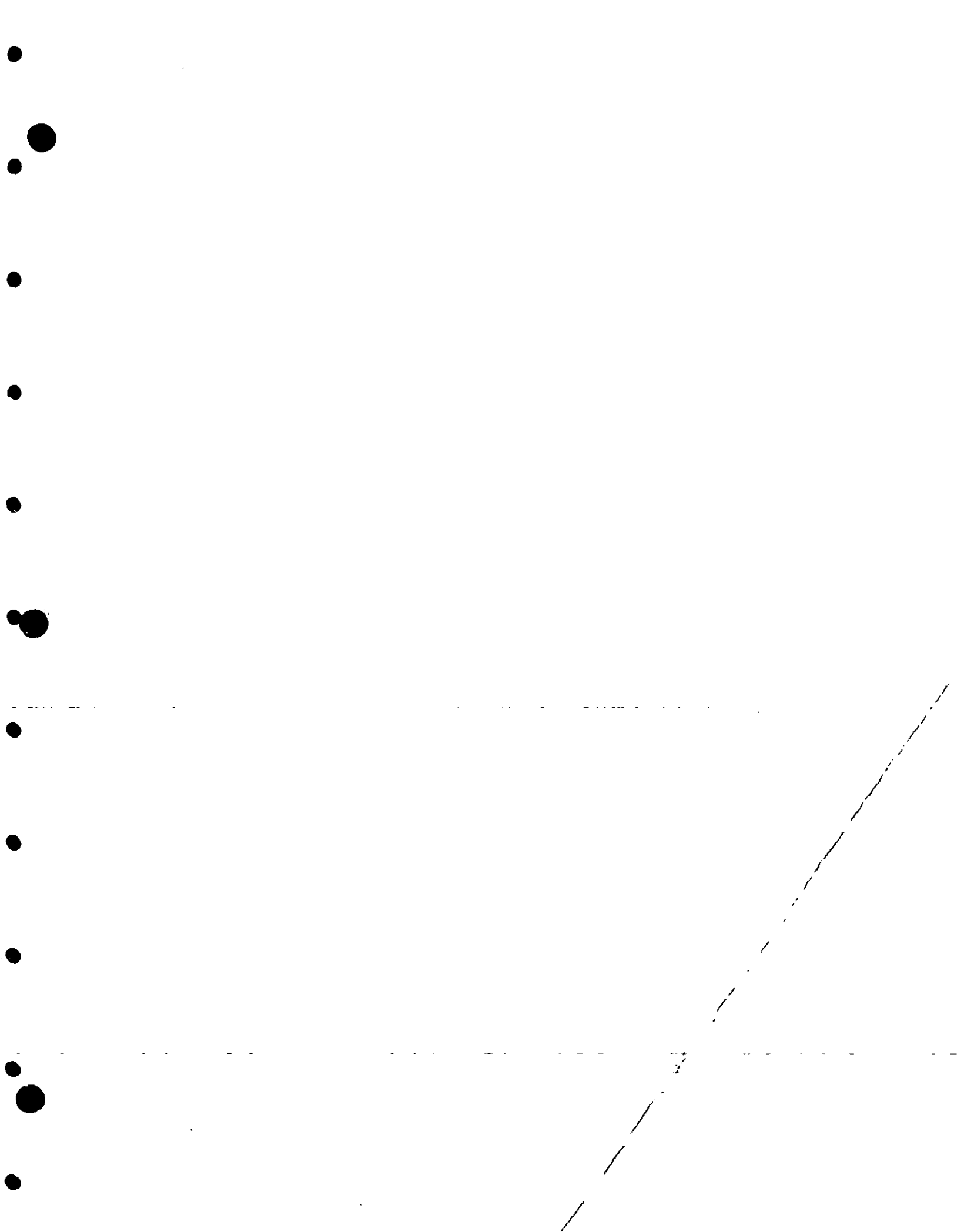
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IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November 1995.



Janet H. Nicol
Certified Shorthand Reporter
License Number 9764



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MEETING
STATE OF CALIFORNIA
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WORKSHOP
REGULATORY IMPROVEMENT

COPY

Board Room
8800 Cal Center Drive
Sacramento, California

Thursday, October 19, 1995

1:00 p.m.

Janet H. Nicol
Certified Shorthand Reporter
License Number 9764

APPEARANCESBOARD MEMBERS PRESENT:

Daniel G. Pennington, Chairman
Wesley Chesbro
Sam Egigian
Janet Gotch
Paul Relis

STAFF PRESENT:

Marlene Kelly, Committee Secretary
Maureen Carr Morrison
Caren Trgovcich
Clint Whitney

PUBLIC SPEAKERS:

Rick Best, CAW
Matt Cotton, CORC
William Dickinson, Placer County
Richard Lee, Contra Costa County
Jon Morgan, El Dorado County
Larry Sweetser, Norcal
Charles White, WMX

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P R O C E E D I N G S

BOARD CHAIRMAN PENNINGTON: Okay. Let's get started for the afternoon session.

Good afternoon. This workshop of the California Integrated Waste Management Board is being held to solicit public input on ways to improve regulations governing nonhazardous waste management in our state.

Board members are here today to hear your ideas about streamlining procedures, to reduce duplication among regulatory agencies, simplifying processes which are overly burdensome and which do not enhance environmental protection, and eliminate regulations which are outdated or simply not needed to protect public health, safety or the environment.

We're holding this workshop to further the regulatory reform efforts of the Board, Cal EPA, Governor Wilson and the Legislature.

Public comments received today and on November 13th in Rancho Cucamonga will be incorporated into the Board's response to the Governor's regulatory reform on executive order issued on September 20th of this year.

If you are interested, copies of the Governor's executive order are on the back table by the speaker's request forms.

Those of you who have followed the Board's

1 activities since enactment of California's Integrated Waste
2 Management Act know that the Board has continued to evaluate
3 its regulations, as well as their enabling statutes in any
4 effort to maximize the potential for achieving the
5 aggressive goals set forth in the Act.

6 To illustrate these ongoing efforts of the Board I
7 point to three specific examples.

8 First, our switch from diversion-base to
9 disposal-base reporting for local jurisdictions tracking
10 their AB 939 accomplishments.

11 In this the Board worked closely with local
12 government and the regulated community. The resulting
13 changes greatly simplified the mechanisms, and I might add,
14 the cost of evaluating successful diversion efforts.

15 Next, the Board's ongoing streamlining activities
16 in connection with AB 1220. As a result of the Board's
17 cooperative investigation into overlapping authorities with
18 the State Water Resources Control Board, we are revamping a
19 system where multiple jurisdictions and conflicting
20 authorities will give way to single-agency jurisdiction and
21 consistent regulations.

22 This effort in connection with our sister agency
23 and the regulated community has also resulted in ten percent
24 reduction in State fees for nonhazardous landfills beginning
25 in fiscal year '94-95.

1 My third example is the Board's institution of
2 regulatory tiers. We have adopted an age-old landfill
3 permit system and provided increasing flexibility to meet
4 the regulatory needs of a whole new generation of waste
5 diversion and recovery facilities.

6 Rolling out the tiered approach to address
7 different types of operations as the Board has done with
8 composting and it's currently doing with contaminated soils,
9 recycling facilities and material recovery facilities, we're
10 moving to reduce the regulatory burden, creating a
11 permitting framework that corresponds to the needs for
12 regulatory oversight at different solid waste facilities.

13 These are just a few of many examples of the
14 Board's efforts to improve the regulatory process.

15 Many others are outlined in the background paper
16 that was distributed with the workshop notice you received.

17 This workshop and your recommendations for reform
18 will be used to build upon these efforts.

19 We will develop a plan for reviewing the ideas
20 that come forward in the workshop and will consider possible
21 changes in the format of rulemaking procedures during some
22 time next year, most likely in the spring or in the summer.

23 As you saw in the back of the room when you picked
24 up your speaker's request forms there are number of ground
25 rules. Most of you were here this morning and we'll proceed

1 along the same lines we did this morning.

2 If any Board member has anything to say, go ahead.

3 BOARD MEMBER CHESBRO: Mr. Chairman, some might
4 think I've already said enough about this regulatory reform
5 program, but it's no secret that I've been somewhat critical
6 of the top-down approach to regulatory revision.

7 I do have some policy and procedural concerns
8 about the process that's been handed to us.

9 Eliminating regulations just for the sake of
10 change is not a particularly productive or useful process.

11 I don't believe that the Governor's executive
12 order to repeal regulations was issued with a very good
13 understanding of how our regulations have been developed or
14 how they operate.

15 I think you did a very good job of just
16 summarizing some of the things that we have done, which are,
17 I think, quite productive and have received widespread
18 support and consensus that we've been able to blend a lot of
19 different perspectives and solve a lot of problems, but not
20 necessarily in ways that result in fewer pages of
21 regulations.

22 The direction provided has been to eliminate
23 regulations that are not supported by regulated businesses,
24 and while we certainly have shown a lot of concern about the
25 regulated community that's not the sole standard that this

1 Board has followed or that, I think we as public servants
2 have a responsibility to follow.

3 We also have a clear obligation to enforce the law
4 and we're also here to protect public health and the
5 environment.

6 So any regulatory reform should meet the criteria
7 that I think has been previously stated, which is to help us
8 get to 50 percent. Certainly we don't want to overregulate
9 business, but we also have to take into account the public
10 interest.

11 Finally, regulatory reform by the page or by the
12 pound, as I've been calling it, is just plain silly. The
13 number of pages or code section is not the test of
14 reasonableness of regulations.

15 Sometimes it takes clear and detailed regulations
16 to make them understandable and effective.

17 Tiered permitting, I think, is the very best
18 example of that. Although we're in the midst of the
19 process, the intent is to make life easier for the regulated
20 community, while at the same time accomplishing the
21 objectives that the Legislature and the public have said
22 that they want out of our programs.

23 If we had not adopted tiered permitting for
24 compost facilities the very simplest, smallest clean green
25 composting facility would have to get the same permit as a

1 landfill. And I don't think that would be considered
2 reasonable regulatory reform.

3 But if you're talking about quantity of pages,
4 that's the potential result if we're not careful.

5 Now, on a positive note there's two points I'd
6 like to make.

7 First of all, this Board or any State agency needs
8 to be vigilant in how we use regulations and how we
9 regulate.

10 Times do change, circumstances change, regulations
11 and programs can become stale or outdated and so our
12 responsibility is to always ask if we can do better or
13 whether what we have on the books is reasonable.

14 That's the result we come up out of this process,
15 then I think we will have achieved something.

16 And so I'm certainly willing to participate
17 constructively and hear what the regulated community and
18 others who testify before us have to say.

19 Secondly, I believe that the Board has done a
20 great job of crafting regulations and standards with the
21 broadest input possible in the most effective fashion.

22 Tiered permitting, coordinated inspections, clear
23 State and local responsibilities are examples of regulatory
24 reform that the Board has carried out.

25 Finally, while I have some reservations about how

1 we got to this point, I'm glad we'll get the chance to both
2 here and at the session in Los Angeles hear suggestions and
3 comments from the public.

4 Our job will be to make the best use of that
5 input, to strive to improve the way our Board operates and
6 I'm confident this Board will do a good job of that, but I
7 think where we started from is misguided.

8 Thank you.

9 BOARD CHAIRMAN PENNINGTON: Any other comments by
10 Board members?

11 BOARD MEMBER EGIGIAN: Yes.

12 BOARD CHAIRMAN PENNINGTON: Mr. Egigian.

13 BOARD MEMBER EGIGIAN: I just want to call
14 attention to what we've been going through here for several
15 years. When people come before us and tell us it took us
16 five years to get a permit and they point their finger at
17 five or ten years to get a permit and they point their
18 finger at the Board, the Board cannot stall anything for
19 five or ten years. When we receive a permit we must act on
20 it within 60 days.

21 The people that slowed up are local governments.

22 And in your -- if anybody speaks on that issue I
23 would like you to take that into consideration that it gets
24 stalled in the cities and the counties long before we even
25 know that it's happening.

1 So that's all I have to say, Mr. Chairman.

2 BOARD CHAIRMAN PENNINGTON: Thank you,
3 Mr. Egigian.

4 Mr. Relis?

5 I just want to remind everybody again that there
6 are sign-up sheets in the back of the room, and if you wish
7 to speak please fill one out, and we'll get it up here.

8 I apologize for the Lifesaver, but I'm trying to
9 keep my voice going here.

10 Caren Trgovcich.

11 MS. TRGOVCICH: Good afternoon, Chairman
12 Pennington and members.

13 I just briefly wanted to summarize where we are
14 and where we're going for purposes of the workshop this
15 afternoon. And I'm just going to cover a few points.

16 As the Chairman said, this effort has been ongoing
17 since 1991. The Board has undertaken a large number of what
18 we refer to as regulatory reform or regulatory improvement
19 initiatives.

20 The definition of what it is we're talking about
21 here in terms of regulatory improvement can be summarized in
22 about four points.

23 The first point is the elimination of outdated
24 requirements. We commonly call that low-hanging fruit.
25 Those are things that we refer to traditionally as the 1970s

1 regulations. And with your assistance we hope to make our
2 regulations more simplified and easy to read by removing
3 those provisions.

4 We are talking about enhancing consistency among
5 State agencies, between State and local agencies, between
6 State and federal agencies.

7 We're looking at streamlining programs and
8 processes, and in order to look at specific areas that may
9 impede the achievement of the AB 939 mandates or other
10 significant concerns of the Board.

11 We're also looking at simplifying the regulatory
12 structure. Where regulations may now contain very technical
13 information on a given topic, it may be possible to
14 streamline that information. Where certain information is
15 required to be submitted to the Board, it may be possible to
16 streamline not only the form but the content and simplify
17 that information as it comes into the Board.

18 As Chairman Pennington discussed the examples with
19 you, the Board has a significant number of accomplishments
20 in the area of regulatory improvement. I'm just briefly
21 putting those up on the screen.

22 The majority of those, in fact all of those are
23 summarized in the background document and you can get a copy
24 of those.

25 The reason for putting those up is basically to

1 follow with a few examples those that the Chairman used to
2 give you a sense of the kind of comment that we would hope
3 to be seeking from you as we move through the workshop this
4 afternoon and as you move to develop your written comments
5 for submittal to the Board.

6 And I'd just like to remind everyone that we have
7 a November 15th comment deadline, so that we can move to
8 analyzing and pulling this information together.

9 The first example that the Chairman gave you was
10 that of AB 1220 and looking at making more consistent the
11 programs of various State agencies, the State Water Board
12 with the Integrated Waste Management Board and that of the
13 Waste Management Board with the local enforcement agencies.

14 That constituted not only a statutory change, but
15 regulatory changes as well.

16 So we're interested in your comment that looks at
17 how we do business with other State agencies, how we do
18 business with local agencies, how we interact with the
19 federal government, and we're also interested if those areas
20 also involve statutory provisions as well.

21 When we went through that process with AB 1220
22 there were three areas that were identified. Those were the
23 permitting areas, minimum standards and financial
24 assurances, along with a number of other significant
25 movement towards streamlining.

1 We're also looking at getting your comments on
2 streamlining the regulatory process.

3 As Chairman Pennington said, the permit process
4 that we had, the one-size-fits-all permit represented a
5 process within the Board that needed to be revisited, needed
6 to be restructured. It's not a specific line in the
7 regulations, it's not a specific provision of the statute
8 necessarily, it's the way the process itself was designed,
9 and how it was focused on those types of operations that
10 were present several decades ago.

11 And so we're interested in your comment on the
12 processes here at the Board. They may be certification or
13 approval processes, they may be other types of processes
14 that you're involved in.

15 We're looking also for your comment in the area of
16 simplification. We underwent a significant effort over the
17 last year and a half working with many interested members of
18 the regulated community, affected community, to revisit the
19 way in which we calculated achievement of the AB 939
20 mandates.

21 In doing that we recognize that there were cost
22 implications as well as resource, other resource
23 implications to calculating diversion in a certain manner.

24 So we moved to being able to simplify those
25 requirements, to be able to move the calculations to the

1 point of disposal, thus achieving cost savings, resource
2 savings as well.

3 And so we're looking for your comment is where we
4 can simplify existing requirements in order to achieve those
5 kind of ends.

6 We are also looking for your comment in the areas
7 of what we very broadly refer to as eliminating
8 requirements.

9 We have what I call two types of requirements on
10 the books that we're looking at right now. We're looking at
11 once again that word low-hanging fruit, the requirements out
12 there, and we can probably think of a number of them. The
13 old litter receptacle standards, some of the agricultural
14 standards that with the promulgation of the composting
15 regulations may no longer be applicable.

16 We're also looking at comment from you on specific
17 sections as well that may be eliminated and may provide a
18 benefit to any affected parties.

19 I'll use our newsprint regulations as an example,
20 where the regulated community came forward and said this
21 specific provision is not necessarily productive in terms of
22 moving this program forward and may present a problem for us
23 in terms of confidentiality and propriety information.

24 And so the Board worked with that constituency to
25 be able to resolve those issues.

1 So once again we're very interested in your
2 comment on processes, on specific areas of regulations and
3 any accompanying statutory provisions that may be necessary
4 to somehow change in order to achieve the AB 939 mandates.

5 If you remember reading in the background paper
6 that was sent out with the notice, we're specifically
7 looking for comment that promotes AB 939, that it does not
8 serve to lessen the achievement of the mandates and we're
9 also looking for comment that does not serve to lessen the
10 protection of public health safety and the environment.

11 Thank you.

12 BOARD CHAIRMAN PENNINGTON: Thank you.

13 Okay. Our first speaker will be William
14 Dickerson, Placer County.

15 MR. DICKINSON: Good afternoon. I'm Will
16 Dickinson with the County of Placer.

17 I just have a couple of modest proposals about the
18 permitting process.

19 The first one is I'd like to propose that under
20 the current process when you turn in -- before you can turn
21 in an application for solid waste facility permit you have
22 to have the CEQA process completed and you have to turn in
23 an RDSI with your application if it's a landfill.

24 What can happen under that scenario is that you
25 can go through the CEQA process developing your

1 environmental analysis based on the RDSI and not know if the
2 RDSI is going to meet with staff approval.

3 You could potentially have comments to the RDSI
4 that require changes that would affect your environmental
5 analysis, then you'd have to go back and redo the
6 environmental analysis.

7 I think it would be a lot more efficient to have
8 staff give you at least some comments on the draft RDSI
9 prior to or at least as you're doing the initial study and
10 completing the CEQA process.

11 Second proposal has to do with new permit
12 application form that -- not the application form, but the
13 permit itself that includes restrictions on traffic and
14 tonnage in various ways that weren't proscribed before,
15 before the last year.

16 We used to work with, long time ago it was average
17 daily tonnage, then it was changed to peak daily tonnage.
18 As we got used to peak daily tonnage and got halfway through
19 the process a couple years ago for one of our facilities,
20 the Eastern Regional Materials Recovery Facility, I was
21 presented with a draft permit that included restrictions on
22 traffic. We were supposed to define limitations on the
23 various components of the waste stream, including sludge and
24 C and D and other types of materials and also average daily
25 tonnage.

1 My last submittal of a environmental document I
2 was also asked by the environmental staff to address peak
3 yearly tonnage. Although I haven't seen that on the permit
4 form yet, it's something that we have to respond to because
5 it came through the comments.

6 My recommendation is let's pick something that you
7 feel provides proper environmental protection and let's
8 stick with that and please don't continue to add further and
9 further restrictions that narrow the band in which we can
10 operate.

11 Because a lot of times we don't have a great deal
12 of control over the waste stream that's coming to the
13 facility and it's difficult to project what it's going --
14 what form it's going to take.

15 And when you're dealing with peaks it's
16 particularly difficult to anticipate the maximum tonnage
17 that you're going to receive on any given day.

18 Second part to that comment is don't try so hard
19 to repress our efforts to get higher permit limitations.

20 About, well in 1988 we came in for a request for
21 permit at our Western Regional Sanitary Landfill and we
22 wanted 1200 tons a day maximum.

23 We were told by staff that that was too much to
24 ask for in one given permit change, because we had been at
25 315 tons a day, which was based on that average that I spoke

1 of earlier.

2 We felt like we needed 1200 and actually time has
3 proved us correct. We have exceeded the 800 that we were
4 given. We're out of compliance. We've been sued by our
5 property, neighboring property owner because we are out of
6 compliance, and we're going through that lengthy process
7 that Mr. Egigian just spoke of because we were not allowed
8 to get the permit limit that we requested.

9 It seems to me that if you can address it in your
10 CEQA document and you can show that you have the mitigations
11 you need to protect public health and safety that you should
12 be able to go to whatever is the outer limits of
13 reasonableness rather than be restricted to what's Board
14 staff member feels is appropriate.

15 That's all the comments I have.

16 Any questions I'd be happy.

17 BOARD CHAIRMAN PENNINGTON: Thank you.

18 Questions?

19 Okay. Thank you.

20 Our next speaker is Jon Morgan, El Dorado County.

21 MR. MORGAN: Hi again. I'm Jon Morgan with El
22 Dorado County Environmental Management. Also representing
23 RCRC today.

24 As I mentioned this morning, we have a number of
25 counties in which RCRC, an environmental services Joint

1 Powers Authority represents 15 counties at this time and a
2 number of them have sent comments to us.

3 But it appears that the entire process is already
4 on its way as Caren presented this morning, so we really
5 have no comments but a lot of favorable ones right now in
6 terms of we're looking for that one agency to focus on solid
7 waste issues, not a whole gamut of them.

8 One thing I wanted to add was historically -- make
9 sure I got my notes. Actually, that's all the comments I
10 have.

11 BOARD CHAIRMAN PENNINGTON: Okay. Any questions?
12 Okay. And our next one is Matt Cotton.

13 MR. COTTON: This is going to be an awfully quick
14 hearing if everyone is going to be so positive about this.
15 I wish I had something mean to say. I really don't.

16 And thank you again for the opportunity to address
17 the Board. Matt Cotton again representing California
18 Organic Recycling Council and the California Compost Quality
19 Council, two different but associated groups, both concerned
20 with diverting more organics safely and efficiently in
21 California.

22 I would again like to take the opportunity to
23 commend the Board on tiered permitting. I think the
24 composting regs are an example of that success, how that can
25 work.

1 Wes' point is very well taken that streamlining
2 does not necessarily mean removal or reduction. It may in
3 fact mean a lot more pages, a lot more clarity, a lot more
4 depth and certainly if the composting regs are any example,
5 a lot more meetings and a lot more time than all of us would
6 have liked.

7 On the other hand, I think that it was and is,
8 continues to be an excellent document and if the number of
9 permits received and applied for is any indication, I think
10 it's working quite well.

11 Maybe Caren can tell us little bit more about
12 that.

13 With that in mind, I want to bring up two points
14 that I wanted to address. I've spoken to Caren earlier
15 about two or three small changes to the existing statutes so
16 I would encourage you not to assume that those regs are
17 perfect.

18 We have a couple comments we'd like to make on
19 adjusting some of those things. We hoped that door would
20 stay open as we learn more things.

21 Composting unfortunately is not as exact a science
22 as some of the other waste management handling activities.
23 We learned an awful lot in the three years it took to write
24 the regs. I think in having those in place, particularly
25 some of the monitoring requirements, we're learning that

1 perhaps we were a little heavy handed in some of those. I'm
2 talking particularly about daily temperature requirements
3 and the 5,000 cubic yard heavy metal testing requirement.

4 Particularlly in a large facility, that 5,000 cubic
5 yards appears to be excessive. And again this isn't
6 scientific basis, it's talking to operators. It's an awful
7 lot of testing for heavy metals which are coming back
8 nondetected consistently.

9 So perhaps we can put in a performance standard
10 after a certain period.

11 And I know it's a constant flow, it's a constant
12 batch, you want to keep an eye on it, but maybe not quite at
13 that level and we can certainly suggest a number if need be.

14 I also want to bring up the point of local
15 enforcement consistency. I know the Board's undertaken some
16 efforts to address that, but at this time there's a great
17 chasm between one county to the next, as far as enforcement,
18 as far as interpretation, as far as the process.

19 And Mr. Egigian is very correct in that lot of
20 that is local agency, but I think the Board has a role to
21 play whether it be strictly educational in supporting CORC
22 in our efforts to educate and document some conditions.

23 The things that are important in a permit, we want
24 to protect health and safety, certainly, but we don't want
25 to prohibit.

1 Something you're doing in one county isn't
2 necessarily that much different in another county when it
3 comes to compost.

4 That's really all the comments I have.

5 Any questions I'll be happy to answer.

6 BOARD CHAIRMAN PENNINGTON: Questions?

7 BOARD MEMBER CHESBRO: I have a question, actually
8 for, I don't know if Caren is the right person to ask this
9 of, but I believe that we either have started or are
10 intending to start through a training program for the LEAs
11 to work on the consistency question for the compost regs.

12 MS. TRGOVCICH: I need to ask the Permitting and
13 Enforcement Division to get back to you on that, but I
14 believe there's been one round of LEA training and we're
15 about to go out with a second round of training soon. But I
16 could certainly have the division get back to you with more
17 detail on that.

18 BOARD MEMBER CHESBRO: That's an important issue
19 and I think it's one that we're working on, but I think the
20 result of your comments should be that we will look a little
21 harder and closer at it.

22 MR. COTTON: If I could comment on that, I had
23 heard anecdotally about the first training that was done
24 primarily by Board staff for LEAs, and the general public
25 and regulated community were not invited and while I

1 certainly think there is room for that, I would certainly
2 encourage you to work with CORC, CCQC, the Composting
3 Council, other informed members of that community, whether
4 it be operators or other people involved to participate in
5 that training to understand really what it's like in the
6 field and what the experience has been.

7 BOARD MEMBER CHESBRO: The one thing I heard the
8 most at this field, what's the right word here?

9 BOARD MEMBER RELIS: Demo.

10 BOARD MEMBER CHESBRO: Field demonstration
11 yesterday, I heard it over and over and over again that
12 folks wanted to make sure that in our LEA training process
13 that the LEAs were not just made to understand what they
14 were protecting the environment from, but also what
15 composting is attempting to achieve and what's actually
16 going on there, so that they would have that broader
17 perspective and not be going into it from a strictly
18 regulatory standpoint, but also recognize that there's a
19 beneficial activity going on and that they understand what
20 that is.

21 MR. COTTON: I have great sympathy for the LEAs.
22 They have a very difficult job, a very complex job where
23 they're asked to take it broad amount of activity.

24 And composting, as I said before, is a complex, if
25 not somewhat mythical process and it's not easily understood

1 by typical laymen.

2 I want to share one quick story.

3 When I was operating a facility back in 1991 in
4 Contra Costa County, a small pilot project back when there
5 were really nice pilot regs to learn a little bit about
6 composting, and a new landfill was doing some composting,
7 sitting in the office the day and the LEA came down, they
8 had bought a temperature probe, because they thought they
9 were going to help us monitor our composting.

10 So they ran out and did their temperature probing
11 and in doing so they disturbed the first six inches of the
12 windrow and discovered a slight layer of gray, some might
13 say ash-like material, which is -- they took to be ash and
14 thought in fact our pilot had experienced a great deal of
15 spontaneous combustion and we were actually burning the
16 material, rather than composting it.

17 Now, those of us who have done composting, may be
18 familiar with the composting pilot, you dig in six inches in
19 just about any windrow you're gonna find a layer of
20 asintomyces that are a low-temperature decomposer, which to
21 an untrained eye might look a little bit like ash.

22 But that's exactly the kind of thing that they
23 need to understand, it's a very typical thing, no need to
24 call the fire department, no need to issue a citation, which
25 was halfway written by the time I got to them.

1 So that's the kind of thing. It's an honest
2 mistake, frankly, for guys who are inspecting food waste
3 facilities and landfills and anything else.

4 Composting is a little bit mythic. I read
5 something in a facility in Rhode Island where they wanted to
6 know about the strange vapors coming off the compost. And
7 it was explained that that was steam and it's part of the
8 process.

9 So just keep some of that in mind as we go
10 forward.

11 And at CORC I think, although it's not quite
12 within my authority, I'd certainly like to invite the Board
13 and whoever is developing the training to work with CORC,
14 work with the National Composting Council. We've got a lot
15 of good information out there and we're happy to share it.

16 BOARD MEMBER RELIS: Mr. Chair.

17 BOARD CHAIRMAN PENNINGTON: Yes.

18 BOARD MEMBER RELIS: You know, I can't help but
19 pass up -- I'm not going pass up on this opportunity.

20 We just imported a very high-level talent to join
21 us, Mr. Clint Whitney, to head up, and Clint happens to be
22 in the back of the room here, to head up this LEA training
23 effort, if I'm correct, on compost standards.

24 Because we realize -- or enforcement and
25 regulation -- we realize how crucial LEA understanding is to

1 making a success of this new industry.

2 And I think for many communities having a compost
3 facility appear is like, I mean, it's like a paper mill or
4 something, only there's no familiarity really with what
5 these entities are and there's lots of concern.

6 And we really have to move quickly to train the
7 LEAs and hear from them as to how we come up with consistent
8 standards and so that it's fair to the regulated community
9 and appropriate for protection.

10 And there is many gray areas in this particular
11 task. So I just wanted to make sure that the audience knew
12 that we brought someone on to achieve, I wouldn't call it
13 regulatory reform necessarily, but better communication.

14 MR. COTTON: Yeah. And CORC would applaud that
15 effort as well as the CCQC. We've extended our hand to
16 Clint and look forward to working with him, as well as other
17 Board staff.

18 Thanks.

19 BOARD CHAIRMAN PENNINGTON: Any other questions?

20 BOARD MEMBER EGIGIAN: I don't have a question of
21 this gentleman here.

22 But I received a phone call a couple of days ago
23 from someone in the private sector that asked me to make
24 sure that in the record someplace it was noted that the
25 private part of the industry, the rules that come down for

1 both governmental and private should be equal in what the
2 rules asked for.

3 And I said, well, I don't understand what you're
4 talking about.

5 And he said, well, let me put it this way. He
6 says we have a post-closure document for our landfill that's
7 about three feet thick. And he says not too far from us
8 there's a large landfill run by a governmental agency that's
9 only about an inch thick.

10 So therefore we would like to have equal justice,
11 as he put it.

12 And I said, well, I'll certainly bring that up and
13 find out why the governmental agency gets a lot smaller
14 closure document than a private operation would.

15 So that's another thing that we should look at.

16 Thank you, Mr. Chairman.

17 BOARD CHAIRMAN PENNINGTON: You're welcome.

18 That concludes our workshop. Nope.

19 Larry Sweetser.

20 MR. SWEETSER: We were waiting to see who would be
21 last.

22 Larry Sweetser, director of regulatory affairs for
23 Norcal Waste Systems.

24 I'll just keep a couple, few points out.

25 Today seems to be the day of reality checks and I

1 guess this is a good one to look at too.

2 I've spent a lot of my career living with these
3 regulations so it's fun to look at it from this perspective
4 for a change.

5 I'd like to agree and echo Mr. Chesbro's concept
6 on let's not repeal these things without a reason. I think
7 that's very valid. I think a lot of these were out there
8 for a reason.

9 It's justified to look at the reasons why it's
10 still applicable, but let's not throw them out without
11 looking at those impacts.

12 I think that's particularly appropriate in what's
13 going on of late. When I look at the regulatory improvement
14 I think of looking at appropriate level of regulations.

15 And so as we go through, particularly the tiered
16 permitting process, we've always looked at that as sort of
17 continuing the spirit of appropriate regulations, looking
18 out for the protection of public health and safety and the
19 environment and we've done that with the tiers that we have
20 already dealt with.

21 I hope to continue that as we go through the
22 following tiers. I think you'll be hearing more about that
23 on Tuesday.

24 I've had some concerns on the appropriateness and
25 that we look at it from that standpoint and I'll be bringing

1 those up then, so I'll save those comments.

2 That's the most important tier and I hope we
3 continue looking at the appropriate levels and for the right
4 reasons.

5 You also talked to clear and detailed regulations.
6 I'd also like to make sure we have a basis for those
7 regulations on the protection of health and safety and the
8 environment and balance those perspectives.

9 Another point, especially Mr. Egigian raised, on
10 the training issue. There is definitely a need to make sure
11 we have consistency in training out there of the LEAs and
12 the locals.

13 I'd also like to have some of that information
14 shared with us.

15 As you know, I'm up here quite a bit and I can
16 convey this information to my people, but it's a lot better
17 if they can actually hear it from the people that enforce it
18 upon us and that they can hear exactly how those standards
19 mean to them in real life out in the field, exactly what is
20 a nuisance violation, what the level of threshold that is,
21 the tonnage issues.

22 I mean, it took us a while to understand that you
23 actually had to include recyclables in all your tonnage a
24 number of years ago.

25 And so we try to understand the reasoning why, so

1 it helps to get that information directly to the people in
2 the field and I think it's better directly from the Board
3 rather than filtered through other parties.

4 So I think that's something you can look at from
5 the consistency standpoint. I think that would help us
6 better to comply with these requirements if we can
7 understand how they're actually applied to us.

8 Another point is the 1220 process. We've
9 supported that concept throughout, avoid some of the
10 duplication and overlap. It's also a concern there. It
11 seems in some cases we're actually looking at making such a
12 clear line of distinction that you almost got people out
13 there with blinders on looking at the application of the
14 regulations and saying this isn't in my authority to look
15 at. And it makes me wonder how many inspectors I have to
16 have in my landfill to tell me that there's an issue there
17 and what kind of consistency there will be from that
18 standpoint, when they're all just looking at it this way
19 instead of trying to integrate that approach.

20 I'm afraid some of that maybe -- where some of
21 that may head.

22 There's also, and this is a couple years after the
23 implementation of Subtitle D, a lot of major questions still
24 out there and how those integrate with the Title 14
25 standards.

1 There's things we have to look at in terms of that
2 light. We're already looking at some of those questions.
3 Staff is pursuing those and we're working with them on that,
4 but nonetheless we still have to understand what we can do
5 in terms of Title 14 changes, especially on landfills and
6 how that interacts with Subtitle D, particularly in light of
7 maybe the closure issue of landfills, sort of looking at the
8 other 50 percent of the waste stream out there.

9 There's a lot of small landfills in this state
10 that we're gonna have to looking at closing at some point.

11 There's a lot of standards that are gonna have to
12 apply in how we're gonna do that. That's gonna take a lot
13 of money and there isn't a lot out there for that.

14 So I hope the Board can put some effort into
15 looking at that other 50 percent of the waste stream.

16 Lastly, and this is a request not so much
17 affecting us in the industry, but from some of our
18 communities and their concern, and I've talked with staff,
19 is looking at whole issue of the annual reports required of
20 communities and the problem with the disposal reporting
21 system and not having all that accurate information from
22 disposal reporting available at the time of the annual
23 reports.

24 And staff is actively looking at it trying to
25 resolve that discrepancy and find a way that those two

1 schedules can mix, but I think it would be very helpful to
2 have the Board encourage that as part of this process so
3 that those reports when they come to you are a little more
4 reflective of the reality out there.

5 That's my comments and thank you very much.

6 BOARD CHAIRMAN PENNINGTON: Thank you.

7 Any questions of Mr. Sweetser?

8 Next is Chuck White.

9 MR. WHITE: It's good to see you all again this
10 afternoon. Chuck White with WMX Technologies.

11 I had hoped to be able to put some suggestions for
12 regulations changes in writing and unfortunately I haven't a
13 chance to do that, but I hope to in the next week or two to
14 get a little more expanded description of some areas and
15 some suggestions and what I was just gonna verbally run down
16 is kind of a laundry list or almost top-of-the-head kind of
17 thinking.

18 Some of them are obvious and ones are which you
19 very familiar with and in fact just yesterday we talked
20 about the regulation of recycling facilities and the need
21 for further clarification of that whole process, and that's
22 clearly one of the areas that is just crying for
23 clarification is to where the Board regulates to what
24 degree.

25 And I would urge this to be maintained in its

1 current high priority as a function of this Board is to
2 define how recycling, solid waste recycling facilities are
3 in fact regulated pursuant to your authority.

4 Another area that I think we're going to see
5 emerging more and more, we're certainly seeing in our
6 business, is the status of solid waste-derived materials
7 that are applied to land, and that maybe used for beneficial
8 use, whether it's sewage sludge, where it's ash, whether
9 it's biosolids, whether it's alternative daily cover, there
10 is an increasing scrutiny being applied to this thing, which
11 is good, these kind of activities.

12 But the Board needs to recognize that this is an
13 area they're gonna have to move in quickly and establish and
14 clarify what the standards are for appropriate use of these
15 materials so that, one, if you are meeting your standards or
16 whatever applicable standards are appropriate, that you are
17 basically not dealing with a solid waste, you are basically
18 taking something out of the solid waste stream, applying it
19 beneficially to land, whether it's alternative daily cover
20 or whether it's biosolid or whether it's ash.

21 I think this is gonna be absolutely critical if
22 we're gonna be able to make use of these materials in an
23 effective way to help meet the goals of AB 939.

24 We even see certain local governments that may
25 have fees that were charged for the disposal of these

1 materials in a landfill and are seeing these materials go
2 elsewhere, still being applied to land and they still want
3 to charge disposal fees for some of these same activities
4 because it's still, it may not be disposal in a landfill,
5 but it may be still a solid waste, and so the question is --
6 and I think this Board really can move forward in helping
7 clarify the issue from a statewide perspective is as to the
8 solid waste nature or lacking of a solid waste criteria once
9 you achieve certain criteria and standards that these are
10 actually beneficial uses in the marketplace and not the
11 management of the solid waste.

12 Another issue is the whole process related to
13 permit revision and modifications, which is an issue that is
14 on my mind of recent days and hours.

15 And I think this Board needs to clarify in its
16 regulation what it means by a permit revision versus a
17 permit modifications.

18 These terms are used kind of interchangeably in
19 the statute. They are basically skirted in the regulations
20 and there's a permit desk manual that is not a regulatory
21 document.

22 And I believe it's probably long overdue that the
23 Board sit down and come up and develop standards and more
24 specific definition as what constitutes a modification or a
25 revision and have specified procedures for following both of

1 those paths that are out front and clear.

2 And then in a sense leads to a next comment and
3 concern which follows on something that Larry mentioned is
4 whole implementation of AB 1220.

5 If I heard him right I would agree that we see
6 many cases where AB 1220 of late has meant to be kind of a
7 hands-off process and we don't want to look at it or touch
8 it unless we can clearly see that there isn't some other
9 agency that might possibly be regulating.

10 And I don't think that was really the intent
11 behind AB 1220, that the purpose was to prevent duplication
12 overlap, but if there isn't adequate review being taken by
13 another agency, the Board certainly should exercise its
14 proper jurisdiction and authority.

15 And what's troubling about 1220 is there was a
16 task force that was made up of many of the people in this
17 room that was sitting down for a period of time, weeks,
18 going through and hopefully walking with you hand in hand as
19 we went through the transition but suddenly those meetings
20 stopped, there was no further discussion and any kind of
21 public forum. Everything is kind of gone behind the scenes
22 and we're seeing an emerging process that apparently having
23 huge changes on how solid waste facilities permits are
24 viewed by this agency.

25 And it hasn't been part of a ongoing give and

1 take, as I perceive it, discussion on how this process is
2 evolving.

3 Because in reality these changes appear to be
4 taking place over the course of a period of time where there
5 has been no statutory or regulatory change or any visible
6 change in written policy by this Board.

7 And I think it's time that how you intend to
8 implement 1220 be stated much more clearly.

9 Perhaps a minor issue, but it's one that is
10 concern, and it has to do with the process of reconciling
11 the financial assurance requirements that are between the
12 State Water Resources Control Board and this agency.

13 And I'm waiting with great anticipation to see how
14 these regulations come about.

15 But one of the existing provisions of the Water
16 Board's regulations is financial assurance for corrective
17 action at solid waste landfills and basically that requires
18 that you have to have financial assurance for the reasonably
19 anticipated release, which is kind of a misnomer, because if
20 it's an anticipated release you would do everything you can
21 to prevent it.

22 But nonetheless there's this requirement out there
23 that you have to provide a financial assurance for this
24 reasonably anticipated release, which you can never define,
25 you can never know exactly what it is. If you can define it

1 you would prevent it, and so it wouldn't be reasonably
2 anticipated.

3 When you do presumably take over the melding of
4 the financial assurance requirements, as I understand is the
5 intent, I would urge you to try to steer away from those
6 kind of terminologies.

7 Federal requirements for corrective action for
8 landfills is based upon once the release is known and
9 identified and defined then you certainly have to come up
10 with financial assurance to respond to the scope and extent
11 of that release and that's probably appropriate and would be
12 consistent with the federal law.

13 But to have these ambiguous other terms that are
14 difficult to define and implement I would try to urge you to
15 try to do everything you can to stay away from that kind of
16 process.

17 And to the extent we see those kind of
18 terminologies come up we're gonna be back again commenting
19 as to their wisdom.

20 One issue, again back to permitting, I forgot to
21 mention it, is there seems to be increasing pressure out in
22 industry to respond to changes in the marketplace by wanting
23 to incorporate new kinds of activities at permitted solid
24 waste facilities.

25 And we see many people motivated to go ahead and

1 make these changes and then ask for permission afterwards.

2 And that simply does not reconcile with the way we
3 understand the permitting process to work.

4 But there may be a need to take the pressure off
5 of forcing people into noncompliance in order to respond to
6 changing market conditions.

7 This Board ought to explore some kind of process
8 to allow temporary changes at permitted solid waste
9 facilities consistent with CEQA, consistent with the
10 requirements of other agencies, but that would allow people
11 to in a streamlined, relatively easy fashion respond to
12 changing market conditions without having to have major
13 problems.

14 At least that should be explored as a concept.
15 And it's certainly not well fleshed out in my mind, but it
16 seems to be an increasing demand, because to not do so
17 you're basically asking people to either wait until they get
18 a full permit change or go ahead and make the change anyways
19 and then ask permission after the fact, as I indicated, and
20 it causes problems on both ends of the spectrum.

21 The final comment is one which I just simply
22 wanted to do a trailer from my comments to you this morning
23 on the whole waste disposal and diversion tracking systems.

24 You have a disposal tracking system in place.
25 It's a very complicated system. I question whether or not

1 really it's going to produce numbers. I hope it does
2 produce numbers, but I question whether or not it's gonna be
3 really meaningful numbers.

4 And then the Board is presumably embarking on this
5 diversion reporting system, which would be for, I guess,
6 market development purposes.

7 And I would ask you to stand back and take a look
8 at really the wisdom of these incredibly complex, detailed,
9 ton-by-ton tracking systems and really ask yourselves are
10 these really contributing to the implementation of programs
11 that will meet the needs of -- meet the goals of AB 939.

12 And consistent with my comments this morning is
13 try to look at programs rather than accounting systems that
14 would -- are necessary to achieve the goals of AB 939.

15 That really is really the sum and substance of my
16 comments for the day. I hope to expand upon these and may
17 even include a few more in writing in the next couple of
18 weeks as I have an opportunity to do.

19 But I do certainly appreciate the time to explore
20 and discuss these with you today.

21 Thank you.

22 BOARD CHAIRMAN PENNINGTON: Thank you.

23 You're welcome to come to Rancho Cucamonga.

24 BOARD MEMBER CHESBRO: I would like to comment on
25 the reporting requirements, diversion reporting

1 requirements.

2 I've been going along assuming, similar to what
3 you've said, that there may be limited utility, let me put
4 it that way, to compare it to the burden.

5 And then we have a situation, I'll leave the names
6 out to protect the innocent and the guilty, but we have
7 major city in the state who got its disposal figures from
8 the county, which they feel significantly distorted what
9 actually is going on, and they in turn are turning around
10 and using their diversion figures to demonstrate the
11 inappropriateness of the numbers in their belief. And I'm
12 not taking sides because we have to work our way through all
13 of this.

14 But they are gonna use the diversion numbers to
15 try to demonstrate that the numbers the counties has
16 assigned to them at their landfills as being their disposal
17 numbers couldn't possibly be true.

18 And so I guess I'm taking a wait-and-see attitude.
19 I'm not disagreeing with what you said, but I think that
20 there may be some other elements that at least I hadn't
21 previously thought of relative to how these numbers might
22 have some utilities.

23 Whether it's worth the burden that we have to
24 establish to collect them, I'm not sure.

25 But I wanted to just raise that as something else

1 that's begun to develop now and may happen in other
2 jurisdictions and it may turn out that the local, at least
3 the cities will start saying we want that information in
4 order to provide a counterpoint or additional source of
5 information to check the numbers that the county or the
6 operators, not necessarily just the county, the landfill
7 operators are providing relative to the disposal.

8 MR. WHITE: I hate to comment on the specific
9 situation because I don't know where our company might be
10 involved in that the particular situation.

11 BOARD MEMBER CHESBRO: Let's keep it hypothetical.
12 County A and City B.

13 MR. WHITE: I think there's no question that as if
14 we keep the current system for determining compliance with
15 AB 939 it's going to be increasingly a numbers game, and
16 we're gonna be doing everything we can to come up with
17 numbers that will show that we're doing the best job we can,
18 possibly can.

19 And I'm just again concerned that it's gonna
20 divert from the real, where the real focus ought to be is on
21 the programs that are necessary to have meaningful
22 diversion.

23 BOARD MEMBER CHESBRO: Got to thank you for giving
24 you another opportunity of saying --

25 MR. WHITE: I do appreciate that. It's great.

1 BOARD CHAIRMAN PENNINGTON: Mr. Relis.

2 BOARD MEMBER RELIS: I'm curious or concerned a
3 bit by both yours and Larry Sweetser's comments related to
4 1220.

5 I'm not really familiar, at least it hasn't
6 surfaced to the Board yet that we're having potential
7 problems there, since the whole idea was to streamline the
8 process, but not to create blind spots in it.

9 MR. WHITE: There will be some further discussions
10 certainly next, probably next Tuesday before the Board on
11 how results of the changing fabric of implementing 1220 has
12 resulted in two different landfills that are within four
13 miles of each other --

14 BOARD MEMBER RELIS: Oh, that one.

15 MR. WHITE: That one. Having two different kinds
16 of sets of standards that have to be complied with and
17 apparently this is all in the name of implementing 1220.

18 But it seems to be the increasing desire that the
19 kind of concerns that we felt the Board should be
20 responsible for, things like worker health and safety, like
21 dust control, things like managing waste and making sure
22 it's being properly managed at the facility are suddenly not
23 being -- we don't pay any attention. Worry about the
24 tonnage limits and that's it. Once the tonnage limit is
25 complied with, everything else is the purview of some other

1 agency and we don't have any jurisdiction or responsibility.

2 It just seems like it's a pretty amazing
3 interpretation of 1220 from my perspective is that it
4 certainly was to remove duplication and overlap, but
5 certainly not to abrogate, totally abrogate yourself from
6 the process of looking at facilities at making sure that
7 there's a reasonable degree of protection and the equivalent
8 across similar types of activities, whether they're four
9 miles apart or 20 miles apart or hundred miles apart, there
10 certainly ought to be an obligation at some level, some
11 standard out there as being enforced, if not by you, by some
12 other agency.

13 And it seems like there's almost an emerging hands
14 off, we're not gonna ask questions, see no evil, speak no
15 evil. We don't want to touch it because it's somehow not
16 part of our direct authority under 1220.

17 I'm a little bit concerned that that really is not
18 where this agency really ought to be going with respect to
19 regulating solid waste facilities.

20 BOARD MEMBER CHESBRO: Is that difference one of
21 permit requirement or is it one of enforcement which are --

22 MR. WHITE: I would say all of the above
23 potentially.

24 BOARD CHAIRMAN PENNINGTON: Okay.

25 BOARD MEMBER CHESBRO: I was gonna say inherent in

1 the process of changing regulations is that you're gonna
2 have, if it's permit requirements, for example, you're gonna
3 have some discrepancy between what was done before you
4 changed them and what was done after. That shouldn't affect
5 enforcement because enforcement ought to be the same at both
6 facilities, although the permit requirement -- I'm talking
7 to myself here -- if the permit requirements were different,
8 then the enforcement, I guess, would be different.

9 But nonetheless that's a dilemma any time you go
10 through regulatory reform processes, the folks who came
11 through the door prior have a different set of standards
12 than the one who come through after.

13 MR. WHITE: It may be some other form, maybe just
14 a discussion on how the changing permitting structure is
15 evident from going through all the permit enforcement
16 committee meetings.

17 There was in fact a task force which I was sitting
18 on that we're basically trying to sit down and work with an
19 understanding about how the changing fabric was going to
20 come forth with the implementation of 1220.

21 And I didn't check my log as to when the last
22 meeting was, I think it was basically March of 1994, and
23 there hasn't been any public discussion except through the
24 individual permits that come before your Board on how 1220
25 is implemented and what are some of the -- there was an

1 amazing list of very very significant issues that were seen
2 coming, hitting this Board on issues on individual permits
3 today, next week, next month that were basically discussion
4 stopped for some reason and it was never very clear to me.

5 But I'm suggesting that something ought to be done
6 to try to get everybody to understand what are the rules
7 that are emerging out of this Board on how you regulate
8 solid waste facilities in the -- after the advent of AB
9 1220.

10 It's certainly not clear in my own mind.

11 BOARD CHAIRMAN PENNINGTON: Thank you, Mr. White.

12 Now we'll hear from Rick Best.

13 MR. BEST: Thank you again for the opportunity to
14 speak this afternoon. Rick Best with Californians Against
15 Waste.

16 I want to first kind of comment, actually
17 compliment the Board in terms of the way it's framed the
18 discussion thus far in terms of looking at regulatory
19 improvement. This is somewhat different than how some of
20 the other discussions, I understand, are going on in other
21 agencies in terms of actually simply focusing on reducing
22 regulations.

23 I think it's important to understand what
24 regulatory improvement means. I think it means two
25 components.

1 One, improving the ability of the State agency to
2 do its task in terms of meeting the environmental protection
3 goals that are laid out in statutes.

4 And, secondly, to minimize the burden on the
5 regulated community.

6 And I think it's important it's the Board's role
7 in defining regulations to balance those two issues and
8 certainly whenever possible to try and promote both of those
9 in terms of both maximizing environmental protection and
10 minimizing the regulatory burden.

11 To that extent I think the Board, thus far, has
12 been taking the appropriate approach.

13 I would say, though, that the three references in
14 terms of duplication -- excuse me, simplification,
15 streamlining and elimination doesn't necessarily mean there
16 may be other issues that -- or other avenues to improve the
17 regulatory environment as was evidence, for example in the
18 composting regulations.

19 I want to speak to three areas of issues, the
20 solid waste facility regulations, planning issues and
21 actually tax policy.

22 The first, in regards to the regulatory issues.

23 One issue is there's been discussion in terms of
24 elimination of duplication or conflict between federal and
25 State regulations.

1 This year we saw a number of legislation to
2 actually eliminate or defer State regulations to the federal
3 level in terms of Subtitle D requirements.

4 We opposed these pieces of legislation. We feel
5 it's inappropriate to simply abrogate the State's role in
6 terms of setting environmental standards to the federal
7 level in terms of Subtitle D. There's specific provisions
8 where California law is stronger than federal Subtitle D, in
9 the case of liner requirements, financial assurance
10 requirements, and is simply inappropriate for the State to
11 essentially in the name of elimination of conflict to simply
12 reduce or eliminate its specific regulatory authority and
13 simply defer to the federal.

14 Secondly, in regards to the discussions about AB
15 1220, I think one issue that hasn't been raised,
16 surprisingly, by the industry representatives has been the
17 issue of Waste Board/LEA overlap. This has been a
18 discussion in terms of wanting to eliminate the Waste
19 Board's role in terms of permitting or concurrence in solid
20 waste facilities permits.

21 We opposed elimination of the Waste Board's role.
22 We feel it's appropriate for the Board to have a role in
23 concurring with permits to ensure that these facilities are
24 meeting the State Minimum Standards, and that there are
25 other issues where the Board has a role, for instance, in

1 terms of making sure they're in conformance with local
2 planning documents.

3 We feel it's appropriate for the Board to maintain
4 its role and so we don't want to see -- we would oppose any
5 sort of efforts to simply eliminate the Board's role in
6 concurring in permits.

7 Related to that is the issue of resolving the
8 Board's regulatory responsibilities with its planning
9 responsibilities.

10 Last month we raised an issue in regards to how a
11 particular solid waste facility could potentially impact the
12 ability of jurisdictions to comply with 939.

13 And what was indicative in this process was the
14 fact that the Board is only able to make a determination in
15 terms of whether or not a facility is in conformance with
16 the local planning documents is at the very end of the
17 process. And that really doesn't create a situation, a good
18 situation with the Board.

19 Here all of this effort has gone on in terms of
20 planning, development of the facility, oftentimes
21 construction of the facility and yet the Board is supposed
22 to make a very important determination and that
23 determination is being held to the very last point.

24 So I think it's appropriate if we're looking at
25 improving the regulatory environment where the Board is

1 trying to resolve these regulatory planning conflicts to
2 move that earlier on in the process so we don't create a do
3 or die situation at the end of the permitting process.

4 Second is issue in terms of the Board's planning
5 and market development efforts.

6 It's been discussed in terms of efforts that the
7 Board could do in terms of elimination of reporting.

8 While elimination of reporting can certainly be
9 difficult in the sense of elimination of unnecessary
10 reporting, it's important to understand in doing so you need
11 to make sure that the Board has maintained its ability to
12 indeed enforce the regulations that it's established and
13 know for to the extent that it's able to ascertain that
14 folks are complying with the statutes.

15 Example of that's been recent is the newsprint
16 regulations in terms of elimination of a section of the
17 form.

18 I think that was a situation where I think based
19 upon the ongoing discussions we were able to create a
20 process where the Board was able to have some way of
21 independently verifying that information.

22 But similar concerns are coming up in the rigid
23 plastic container discussions in terms of the survey that's
24 going to go on.

25 There was an attempt to try and simplify the form

1 to the maximum extent feasible, however we raised a concern
2 that would hinder the ability to ensure that the figures
3 that are being submitted are accurate and be able to
4 cross-check data in one portion of the form with more
5 detailed information at the -- in another part of the form.

6 I give the example of the first section of the
7 form was to simply report how much was being recycled by a
8 certain plastics recycler.

9 The second part of the form is where you are
10 actually breaking down in terms of where that material goes.

11 That information, while it is more than what's
12 needed in terms of simply answering the question of how much
13 is being recycled, it is important information for the Board
14 to be able to cross-check that information and to develop a
15 flow and understand what's going on in terms of the
16 recycling process.

17 The final issue in terms of reporting is in terms
18 of the AB 939 reporting requirements. And it's been
19 suggested of reducing the yearly reporting requirements to
20 every other year.

21 What really needs to happen is in terms of to
22 simplify the reporting process so that that information is
23 more easily -- that local governments can more easily make
24 that information available to the Board. It isn't necessary
25 to simply eliminate that on a yearly basis and make it every

1 other year.

2 It was mentioned in testimony this morning of how
3 local governments are feeling like they don't have enough
4 contact with the local assistance planning staff. They're
5 not -- the local assistance planning staff aren't hearing on
6 ongoing basis what's going on.

7 And to simply reduce reporting requirements from
8 every year or every other year simply further put the Board
9 in the dark in terms of what's going on at -- in local
10 agencies.

11 So I think it's appropriate to certainly simplify
12 those reporting requirements, but make sure that the Board
13 still has the information that it needs to properly
14 evaluate.

15 There was some mention in regards to the disposal
16 reporting system and whether that is necessary.

17 I think it's important in the way the staff have
18 thus far laid out the enforcement policy I think is
19 appropriate in terms of taking a balanced approach, taking
20 both the numbers and the programs.

21 The numbers are indicative, the numbers are used
22 to evaluate are the programs sufficient, are they meeting
23 the goals of the act. In the same way evaluating how folks
24 are implementing programs is necessary to ensure that are
25 the numbers really real.

1 Because as we've gotten some examples, the numbers
2 are at this point, you know, there's some question as to are
3 the numbers really truly reflective of what's going in the
4 jurisdiction.

5 So the Board needs both sets of information. They
6 both need the qualitative programmatic evaluation and the
7 quantitative goal-oriented numbers to properly evaluate how
8 jurisdictions are complying.

9 The final issue that I want to raise is tax
10 issues. I know it's not something that the Board is within
11 their jurisdiction, per se, but this Board, I believe a
12 year, year and a half ago considered a report regarding
13 virgin materials, tax policies.

14 And what that report showed was that there is
15 indeed significant tax provisions, provisions in the Tax
16 Code which basically are subsidies to the virgin material
17 manufacturing -- virgin material extraction industries.

18 And if we are indeed in an effort to try and
19 simplify regulations I think it's appropriate to look at
20 those, because those types of provisions are indeed a
21 barrier or provide a incentive to virgin materials at the
22 same time a disincentive to secondary materials.

23 So I understand it's not within the Board's
24 regulatory purview, but I think it's appropriate for the
25 Board, as an advocate for maximizing waste diversion, to

1 raise this issue and to work with the other appropriate
2 agencies to in simplifying those types of policies to make
3 it so that they aren't a burden, or excuse me, a hinderance
4 to the development of the secondary materials industry.

5 And with that those are my comments. We'll be
6 providing some more detailed comments at a later date.

7 BOARD CHAIRMAN PENNINGTON: Thank you.

8 Any questions of Mr. Best?

9 Thank you.

10 Now we have Mr. Richard Lee.

11 MR. LEE: Good afternoon. My name is Richard Lee.
12 I represent Contra Costa County LEA.

13 I'd like to talk about three issues.

14 One is the compost standardized permit. In the
15 standardized permit we've run into a problem where we have
16 no room or area in which we can put conditions. That, we
17 found, is a hinderance in the processing the permit to the
18 composting operator.

19 What happens is that, like Mr. Egigian said, some
20 of the local governments, like cities, which issues land use
21 permits or use permits in their jurisdictions are not
22 processed as quickly as we try to process them as the LEA
23 and what happens is that when we do submit the package and
24 the standardized permit by filling out all the blanks and
25 lines to this Board staff and with the RCSI we find out that

1 because the letter didn't come from the City, they're going
2 to reject the permit because we can't process that because
3 of that.

4 Like, for example, they're operating at the old
5 operating permit of 5,000 cubic yards a year. They want to
6 go up to the 10,000-plus cubic yards.

7 Without the letter from the City we can't issue --
8 we can't get the permit through. We could have, if we had
9 room for conditions we could have said can operate with
10 standardized permit as soon as they get the land use permit
11 from the City to operate at 10,000-plus cubic yards.

12 So at this point we don't have any provisions to
13 write those conditions in the standardized permits.

14 And those are the things that hinders us from
15 proceeding.

16 Second issue is I'm from Contra Costa and it was
17 mentioned that we were, I guess, mystified about the
18 mystical vapors.

19 I think it was mentioned by one of my staff person
20 that something was unusual. Came back a month later and
21 looked at the incident report to the landfill and it was
22 actually smoke and it was a hot spot in the woodpile. So it
23 could have been a fire. They remediated before calling the
24 fire department.

25 So but I still believe that the LEA still needs

1 the training and I do open the door for more training.

2 We're not all knowledgeable.

3 And I would like to receive industry, as well
4 Waste Board staff training, because I think industry has a
5 lot to offer to us.

6 Like the ash, I wouldn't know what that was, but
7 if we had industry teaching us from receiving, chipping,
8 composting to finished product and all these aspects about
9 the compost piles, I think the LEA can be an effective
10 regulator at that time and not hinder the operator in saying
11 what is that, is that burning wood or whatever.

12 But sometimes we do ask questions and the
13 operator, you know, sometimes might think it's vapor from
14 water.

15 But like this incident it was smoke that he found
16 out later was we were questioning.

17 So I think we need industry as well as the Waste
18 Board staff to teach us and train us.

19 The training we received in October was basically
20 an orientation to composting regulations. I think November
21 is going to be the training that we're going to actually
22 receive.

23 MS. TRGOVCICH: I believe that there is an
24 upcoming training.

25 Clint, do you want to give us some dates?

1 MR. WHITNEY: We're evaluating that as you speak
2 here, and there's a lot of ground work that has to be laid.
3 So I'll be reporting to the executive staff and Board here
4 very shortly on a game plan.

5 But to be honest about it, I think it will be
6 premature for a training program, we're probably talking
7 January or February.

8 MR. LEE: I would like to have industry teach us
9 the science of composting, as well the regulations and which
10 we have to understand too.

11 That's all I have to say.

12 BOARD CHAIRMAN PENNINGTON: Questions of Mr. Lee?

13 BOARD MEMBER RELIS: I just observe that's a good
14 suggestion and we have direct contact with CORC and the
15 Compost Council. So we do have that scientific operator
16 combined experience. So I don't know how we incorporate
17 that or whether they're willing to offer that as a component
18 of our training, but I think that would be very good.

19 BOARD CHAIRMAN PENNINGTON: Okay. Thank you,
20 Mr. Lee.

21 And I believe now that concludes the afternoon
22 portion of the workshop.

23 And I appreciate all of you being here and I
24 appreciate hearing from you.

25 You're all welcome to come to Rancho Cucamonga.

1 Thank you.

2 (Thereupon the meeting was adjourned

3 at 2:30 p.m.)

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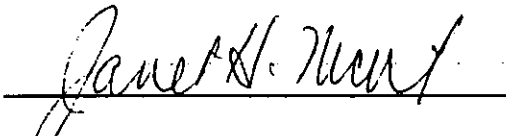
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CERTIFICATE OF SHORTHAND REPORTER

I, JANET H. NICOL, a Certified Shorthand Reporter of the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing meeting in shorthand writing; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, or in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November 1995.


Janet H. Nicol
Certified Shorthand Reporter
License Number 9764